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IDAPA 16
TITLE 02
Chapter 19

16.02.19 - RULES GOVERNING FOOD SAFETY AND SANITATION STANDARDS FOR FOOD ESTABLISHMENTS (UNICODE)

000. LEGAL AUTHORITY.
The Idaho State Board of Health and Welfare has been granted the authority to promulgate rules pursuant to Title 37, Chapter 1 and Title 39, Chapter 16, Idaho Code, for the regulation of food establishments. (6-30-95)

001. TITLE AND SCOPE.

01. Title. These rules are to be cited fully as Idaho Department of Health and Welfare Rules, IDAPA 16.02.19, "Rules Governing Food Safety and Sanitation Standards for Food Establishments (UNICODE)". (6-30-95)

02. Scope. These rules define "food," "food establishment," "regulatory authority," and other terms; establish food safety and sanitation standards for food establishments and their food, operations, employees, equipment and utensils, sanitary facilities and other facilities; establish requirements for plan reviews, licenses, regulate the inspection of food establishments; provide for the examination and condemnation of food; regulate food sources; provide for the sale of only safe, unadulterated, sound, properly labeled food; and provide for the enforcement of these rules. (6-30-95)

002. WRITTEN INTERPRETATIONS.
The responsible program agency within the Department may from time to time issue written interpretations and guidelines as necessary to promote uniform application of these rules. Upon written request of the Director's designee, or a health district board of health or their authorized agent, or food industry representative, or license holder, or person, the responsible program agency, under the direction of the Director may investigate or advise on particular questions regarding interpretations of these rules. (6-30-95)

003. ADMINISTRATIVE APPEALS.
Contested case appeals shall be governed by Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, Sections 000., et seq., "Rules Governing Contested Case Proceedings and Declaratory Rulings". (6-30-95)

004. CONFIDENTIALITY OF RECORDS.
Any disclosure of information obtained by the Department is subject to the restrictions contained in Idaho Department of Health and Welfare Rules, IDAPA 16.05.01, "Rules Governing the Protection and Disclosure of Department Records". (6-30-95)

005. DEFINITIONS AND ABBREVIATIONS.
For the purpose of these rules, the following terms are used, as defined herein. (6-30-95)

01. Accessible. Easily and readily exposed for cleaning or inspection, with or without the use of simple tools such as those normally used by maintenance personnel. (6-30-95)

02. Adequate. Satisfactory or sufficient to accomplish the intended purpose in compliance with good public health practice. (6-30-95)

03. Adulterated. Food will be considered adulterated if: (6-30-95)

a. It bears or contains any poisonous or deleterious substance: (6-30-95)

i. In quantities which may render it injurious to health; or (6-30-95)

ii. For which no safe level of tolerance has been established; or (6-30-95)

iii. In excess of FDA established safe levels of tolerance which have been established under articles incorporated in these rules under Section 997; or (6-30-95)

b. It consists in whole or in part of any filthy or decomposed substance or is otherwise unfit for human consumption; (6-30-95)

c. It has been processed, prepared, packed or held under unsanitary conditions where it may have been contaminated with filth or rendered injurious to health; or (6-30-95)

d. It is in whole or in part the product of a diseased animal or an animal which died from causes other than slaughter; or (6-30-95)

e. Its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health; or (6-30-95)

f. It is potentially hazardous and it has been held for more than four (4) hours at a temperature above forty-five degrees Fahrenheit (45F) and below one hundred and forty degrees Fahrenheit (140F), except as specified in Subsection 320.05.a. (6-30-95)

04. Agricultural Market. Any fixed or mobile retail food establishment engaged in the sale of raw or fresh fruits, vegetables and nuts in the shell, but may include as a minor portion of the operation the sale of factory-sealed, nonpotentially hazardous foods. (6-30-95)

05. Approved. Acceptable to the regulatory authority based on a determination of conformity with principles, practices and generally recognized standards that protect public health. (6-30-95)

06. "aw". Means water activity. (6-30-95)

07. Base Of Operations. A fixed food establishment or commissary from which caterers, mobile food units, vendors and pushcarts operate. (6-30-95)

08. Bain Maries. A sink-like basin in a table top with a one hundred forty degree Fahrenheit (140F) or above hot-water bath for keeping foods hot. (6-30-95)

09. Bed And Breakfast. Any private residence which has been adapted or converted to offer a homestyle place of lodging with ten (10) or fewer beds, is occupied by the owner of the facility as the owner's place of residence during any time that the facility is used for the lodging of guests, does not offer food to the general public and in which the only meal served to guests is breakfast. (6-30-95)

10. Beverage. All liquids intended for human consumption. (6-30-95)

11. Board. Idaho State Board of Health and Welfare. (6-30-95)

12. Bottled Water. Water, including mineral water, which is sealed in bottles, packages or other containers and offered for sale for human consumption. (6-30-95)

13. Bulk Food. Unpackaged or unwrapped, processed or unprocessed food in aggregate containers from which quantities desired by the consumer are withdrawn or vended. The term does not include fresh fruits, fresh vegetables, nuts in the shell, food at salad bars, buffets and family style servings. (6-30-95)

14. Caterer. A person or food service establishment that prepares food in an approved facility for service at another location. (6-30-95)

15. Certification Number. A unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program. (6-30-95)

16. CIP. CIP means cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over equipment surfaces that require

cleaning. "CIP" does not include the cleaning of equipment such as band saws, slicers or mixers that are subjected to in-place manual cleaning without the use of a CIP system. (6-30-95)

17. Code Of Federal Regulations (CFR). The compilation of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government. Specific references incorporated by reference herein are made available in accordance with Section 997. (6-30-95)

18. Comminuted. The reduction in size by methods including chopping, flaking, grinding, or mincing. Comminuted foods include fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish, formed roast beef, gyros, ground beef, and sausage; and a mixture of two (2) or more types of meat that have been reduced in size and combined, such as sausages made from two (2) or more meats. (6-30-95)

19. Commissary. A place where food, containers or supplies are stored, prepared or packaged for transit, sale or service at other locations. (6-30-95)

20. Common Dining Area. A central location in a group residence where people gather to eat at mealtime. Common dining area does not apply to a kitchenette or dining area located within a resident's private living quarters. (6-30-95)

21. Condiment. Any food such as, but not limited to, chutney, ketchup, mayonnaise, mustard and relish that is used to enhance the flavor of other foods. (6-30-95)

22. Consumer. Any person who receives, purchases or obtains food or food product in any form from a food establishment or operation. Consumer does not apply to a person who is functioning in the capacity of an operator of a food establishment. (6-30-95)

23. Container. Package, bottle, can, carton, bag, or securely wrapped. (6-30-95)

24. Corrosion Resistant Materials. Those materials that maintain acceptable surface cleanability characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions and other conditions of the use environment. (6-30-95)

25. Critical Control Point (CCP). A point or procedure in a specific food system where loss of control may result in an unacceptable health risk. (6-30-95)

26. Critical Violations. A provision of these rules that, if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or environmental degradation of the premises. Critical violations are identified with a "C" in the violation code at the end of appropriate statements in these rules. Critical violation examples are as follows: (6-30-95)

a. Food from an unapproved source or food which is or may be adulterated, contaminated or otherwise unfit for human consumption and is found in a food establishment; (6-30-95)

b. Potentially hazardous food that is held longer than necessary for preparation or service at a temperature which is greater than forty-five degrees Fahrenheit (45F) and less than one hundred forty degrees Fahrenheit (140F); (6-30-95)

c. Insufficient facilities to maintain product temperature; (6-30-95)

d. Reservice of potentially hazardous food or unwrapped food that has been served to consumers, unless such reservice is in accordance with Subsections 200.04.g. and 200.04.h.; (6-30-95)

e. A person infected with a communicable disease that can be transmitted by or through food is working as a food handler in a food establishment; (6-30-95)

f. A person employed or working in a food establishment is not practicing strict standards of cleanliness and personal hygiene which may result in the potential transmission of illness through food; (6-30-95)

g. Equipment, utensils and food contact surfaces are not constructed of safe material, cleaned and sanitized effectively and may contaminate food; (6-30-95)

h. The supply of water is not from an approved source or is not hot or under pressure and the food establishment does not use bottled water from an approved source; (6-30-95)

i. Sewage or liquid waste is not disposed of in an approved and sanitary manner, or the sewage or liquid waste contaminates or may contaminate any food, areas used to store or prepare food, or any areas frequented by consumers or employees; (6-30-95)

j. A defect exists in the system supplying potable water that may result in the contamination of the water; (6-30-95)

k. Toilets and facilities for washing hands are not provided, properly installed, designed, or accessible; (6-30-95)

l. Insects, rodents or other animals are present on the premises, except as allowed by Subsection 700.16; (6-30-95)

m. Toxic items are improperly labeled, stored or used; (6-30-95)

n. Any other violation of these rules so designated by the regulatory authority after written notice to the permit holder that the violation has the potential to seriously affect the public health. (6-30-95)

27. Critical Limit. The maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to minimize the risk that the identified food safety hazard may occur. (6-30-95)

28. Cross-Connection. Any physical connection between a potable water supply and any waste pipe, soil pipe, sewer, drain, or any unapproved source or system or any potable water supply outlet which is submerged or can be submerged in waste water or any other source of contamination. (6-30-95)

29. Cross-Contamination. The process by which disease causing organisms are transferred from raw or other foods to foods which are ready-to-eat or which receive no heat treatment in subsequent processing.(6-30-95)

30. Department. Idaho Department of Health and Welfare. (6-30-95)

31. Designee. See director's designee. (6-30-95)

32. Director. The director of the Idaho Department of Health and Welfare. (6-30-95)

33. Director's Designee. Any individual, partnership, corporation, association, governmental agency or public or private organization designated by the director to enforce these rules. (6-30-95)

34. Distressed Merchandise. Any food, as defined in Subsection 005.49, which has had the label lost and is unidentifiable or which has been subjected to possible damage due to accident, fire, flood, adverse weather or to any other similar cause, or which may have been rendered unsafe or unsuitable for human consumption. (7-1-98)

35. Dry Storage Area. A room or area designated for the storage of packaged or containerized bulk food that is not potentially hazardous and dry goods such as single-service and single-use items. (6-30-95)

36. Easily Cleanable. Surfaces that are readily accessible and are fabricated, finished and made of materials that permit effective removal of soil by normal cleaning methods. (6-30-95)

37. Easily Movable. Small equipment weighing eighty (80) pounds or less; or mounted on casters, gliders or rollers, or provided with a mechanical means of safely tilting a unit of equipment for cleaning; and has no

utility connection, has a utility connection that disconnects quickly or has a flexible utility connection line of sufficient length to permit the equipment to be moved for thorough cleaning of the area. (6-30-95)

38. **Employee**. The license holder, person in charge, person having supervisory or management duties, person on the payroll, person performing work under contractual agreement or other persons working in a food establishment. (6-30-95)

39. **Enforcement Action**. Specific action, as identified in these rules, taken by the regulatory authority to achieve compliance with these rules. (6-30-95)

40. **EPA**. United States Environmental Protection Agency. (6-30-95)

41. **Equipment**. Articles that are used in the operation of a food establishment such as, but not limited to, stoves, ovens, hoods, slicers, grinders, mixers, scales, meat blocks, tables, food shelving, reach-in refrigerators, freezers, sinks, ice makers, transport vehicles, vending machines and similar items. The term does not include utensils. (6-30-95)

42. **Extensively Altered**. A major change in a food establishment's mechanical, plumbing, electrical or structural systems. (6-30-95)

43. **Factory-Sealed Nonpotentially Hazardous Foods**. Foods which have been processed, packaged, and labeled by a food processing establishment under regulatory surveillance by a state or federal agency responsible for food safety. The term shall also apply to nonpotentially hazardous foods which have been prepared from such factory-sealed packages. The term shall not apply to foods which are nonpotentially hazardous in package form which are potentially hazardous upon opening the package or adding other ingredients. (7-1-98)

44. **FDA**. United States Food and Drug Administration. (6-30-95)

45. **Federal Food, Drug and Cosmetic Act**. Title 21, Sections 1 through 903, United States Code, incorporated in these rules under Section 997. (6-30-95)

46. **Fishery Products**. Fresh or saltwater fish, molluscan shellfish, crustaceans and other forms of aquatic animal life other than birds or mammals and includes any edible human food product derived in whole or in part from fishery products, including fishery products that have been processed in any manner. (6-30-95)

47. **Fixed Facility**. A structure mounted on a foundation or superstructure, or when not mounted on a foundation or superstructure, the facility is not a mobile food unit or a temporary food establishment by definition or operation, except this definition shall not apply to a kiosk which does not prepare, store, serve or sell potentially hazardous food. (6-30-95)

48. **Flatware**. Eating and serving utensils that are more or less flat such as forks, knives and spoons. (6-30-95)

49. **Food**. Any raw, cooked or processed edible substance, ice, water, beverage or ingredient used or intended for use, or for sale in whole or in part for human consumption. (6-30-95)

50. **Food Additives**. Substances, the intended use of which results, or may reasonably be expected to result, directly, or indirectly, either in their becoming a component of food or otherwise affecting the characteristics of food. However: (6-30-95)

a. This term does not include substances exempted by 21 CFR 201(s), incorporated in these rules under Section 997; and (6-30-95)

b. A material used in the production of containers and packages is subject to the definition if it may reasonably be expected to become a component or to affect the characteristics, directly or indirectly, of food packed in the container or package. If there is no migration of a packaging component from the package to the food, it does not become a component of the food and thus is not a food additive. (6-30-95)

51. Foodborne Disease Outbreak. An incident in which: (6-30-95)

a. Two (2) or more persons experience a similar illness after ingestion of a common food; or (6-30-95)

b. A single case of illness from botulism or chemical poisoning; and (6-30-95)

c. Epidemiological analysis implicates the food as the source of the illness. The outbreak is confirmed when laboratory analysis of appropriate specimens identifies a causative organism, agent or chemical. (6-30-95)

52. Food Contact Surfaces. Those surfaces of equipment and utensils with which food normally comes into contact and those surfaces from which food may drain, drip or splash back onto surface normally in contact with food. (6-30-95)

53. Food Establishment. Those operations in the food business such as, but not limited to, food processing establishments, canning factories, salvage processing facilities, food service establishments, cold storage plants, commissaries, warehouses, food vending machine operations and locations, caterers, mobile food units and retail food stores. Such operations include all activities under the control of the license holder, including preparation, processing, storage, service, transportation vehicles, satellite locations, divisions and departments and remote feeding sites. The term includes operations which are conducted in permanent, temporary or mobile facilities or locations. It includes any food operation regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. Individual divisions and departments on one (1) premise and under common ownership shall as a whole be considered a single food establishment. The term “food establishment” does not include: (7-1-98)

a. Private homes where food is prepared or served for individual family consumption; (6-30-95)

b. Fraternal, benevolent or nonprofit charitable organizations which do not prepare or serve food on a regular basis. Food shall not be considered to be served on a regular basis if the food is served for a period not to exceed five (5) consecutive days on no more than three (3) occasions per year for foods which are not potentially hazardous, or if the food is served no more than one (1) meal a week for all other foods; (7-1-98)

c. Bed and breakfast establishments with ten (10) or fewer beds; (6-30-95)

d. Low-risk food establishments and establishments which offer only factory-sealed nonpotentially hazardous foods; (7-1-98)

e. Agricultural markets; (6-30-95)

f. Licensed outfitters and guides. (6-30-95)

g. Day-care provider. (6-30-95)

h. Food processing establishments, canning factories, warehouses and other food establishments under routine regulatory surveillance by other state or federal agencies responsible for food safety. This exemption does not apply to: (7-1-98)

i. Such food establishments whose operations are only partially regulated by other agencies; (6-30-95)

ii. Such food establishments regulated by other agencies when it is the opinion of the regulatory authority that additional inspections are warranted; and (6-30-95)

iii. Any such food establishments from Title 37, Chapter 1, Idaho Code, Idaho Food, Drug and Cosmetic Act, incorporated in these rules under Section 997. (6-30-95)

54. Food Establishment Risk Criteria. The criteria identified in Appendix A of these rules which

establishes an enforcement protocol for obtaining compliance with these rules. (6-30-95)

55. Food Establishment Supervisor. An employee at a specific location where a license has been issued who is responsible for compliance of these rules. (6-30-95)

56. Food Processing Establishment. A commercial or private food establishment or operation, canning factory or other operation in which food is manufactured, packaged, labeled or stored for human consumption and does not provide food directly to a consumer. (6-30-95)

57. Food Service Establishment. Any fixed facility or place where food is prepared and intended for individual portion service including the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. (6-30-95)

a. The term includes, but is not limited to, eating and drinking establishments, restaurants, bars, taverns, school lunch facilities, convenience stores, hospitals, nursing homes, group residences, and delicatessens that offer prepared food in individual service portions and catering operations. (6-30-95)

b. The term does not include private homes where food is prepared or served for individual family consumption; fraternal, benevolent or nonprofit charitable organizations which do not prepare or serve food on a regular basis; bed and breakfast establishments with ten (10) or fewer beds, day-care provider; and licensed outfitters and guides. (6-30-95)

58. Food Worker. An employee working with unpackaged food, food equipment or utensils, or food-contact surfaces. (6-30-95)

59. Frozen Food. Any item of food that has been subjected to rapid freezing to a solid state and is kept frozen until used. (6-30-95)

60. General Use Pesticide. A pesticide that is not classified by EPA for restricted use as specified in 40 CFR 152.175, incorporated in these rules under Section 997. (6-30-95)

61. Group Residence. A private or public housing corporation or institutional facility that provides domicile for unrelated persons. A group residence may be a retirement home or a long-term health care facility. (6-30-95)

62. HACCP. Acronym for Hazard Analysis Critical Control Point. (6-30-95)

63. HACCP Plan. A written document accepted by the regulatory authority that delineates the formal procedures for following the HACCP principles identified in Appendix B of these rules. (6-30-95)

64. Hazard. A biological, chemical, or physical property that may cause a consumer health risk. (6-30-95)

65. Hermetically Sealed Container. A container that is designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its contents after processing. (6-30-95)

66. Highly Susceptible Population. A group of persons who are more likely than other populations to experience foodborne disease because they are immunocompromised or elderly and in a facility that provides health care or assisted living services; or preschool age children in a facility that provides custodial care. (6-30-95)

67. High-Risk Food Establishment. A food establishment or a portion of a food establishment's operation which includes the following: (7-1-98)

a. Extensive handling of raw ingredients; (7-1-98)

b. Preparation processes includes the cooking, cooling, and reheating of potentially hazardous foods; and (7-1-98)

c. A variety of processes requiring hot and cold holding of potentially hazardous food. (7-1-98)

68. **Hollowware**. Eating and serving utensils that have a significant depth and volume such as bowls, cups and serving dishes. (6-30-95)

69. **IDAPA**. Administrative rules adopted in accordance with the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code. (6-30-95)

70. **Idaho Food, Drug And Cosmetic Act**. Title 37, Chapter 1, Sections 37-101 through 37-134, Idaho Code. (6-30-95)

71. **IPS. Iron Pipe Size**. (6-30-95)

72. **Imminent Health Hazard**. Conditions such as, but not limited to, the following: (6-30-95)

a. An extended loss of a potable water supply; (6-30-95)

b. An extended power outage; (6-30-95)

c. Sewage backup into the establishment or onto the grounds of the establishment; (6-30-95)

d. Employees sick with a disease which can be transmitted by or through food; (6-30-95)

e. A major vector problem; (6-30-95)

f. A foodborne or waterborne disease outbreak; or (6-30-95)

g. Any other condition that has the potential to pose an imminent threat to public health. (6-30-95)

73. **Injected**. The manipulation of meat so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration (including “needling”) or injecting the meat such as with juices which may be referred to as “injecting,” “pinning,” or “stitch pumping”. (6-30-95)

74. **Inspection Follow-Up Risk Value**. The specified value identified in Appendix A of these rules which establishes required on-site follow-up inspections based on the food establishment risk category. (6-30-95)

75. **Kiosk**. A movable food service establishment generally constructed on a superstructure; without permanent water and sewer connections; does not prepare, store, serve, or sell potentially hazardous food; and is not a mobile food unit or a temporary food establishment by definition or operation. The term generally applies to such operations involving shaved ice and espresso. (6-30-95)

76. **Kitchenware**. Multi-use food preparation, cooking, and storage utensils. (6-30-95)

77. **Law**. Local, state and federal statutes, regulations, rules and ordinances. (6-30-95)

78. **License**. The document issued by the regulatory authority which authorizes a person to operate a food establishment or operation. (6-30-95)

79. **License Holder**. Any person, as defined in Subsection 005.96, whose name appears on the license as the primary responsible party of the establishment or operation. (7-1-98)

80. **Liquid Waste**. The discarded fluid discharge from any fixture, appliance, equipment, area or appurtenance which does not contain human body waste. (6-30-95)

81. **Low-Risk Food Establishment**. An establishment or food establishment which provides factory-sealed (pre-packaged) nonpotentially hazardous foods and which may have limited preparation of nonpotentially hazardous foods only. (7-1-98)

82. **Meat**. The edible soft parts of any animal. (6-30-95)

83. **Medium-Risk Food Establishment**. A food establishment or a portion of a food establishment's operation which includes the following: (7-1-98)

a. Provides a limited menu (one (1) or two (2) main items); (7-1-98)

b. Pre-packaged raw ingredients are cooked or prepared to order; (7-1-98)

c. Raw ingredients require minimal assembly; (7-1-98)

d. Most products are cooked or prepared and served immediately; (7-1-98)

e. Hot and cold holding of potentially hazardous foods is restricted to single meal service; and (7-1-98)

f. Preparation processes requiring cooking, cooling and reheating are limited to one (1) or two (2) potentially hazardous foods. (7-1-98)

84. **Misbranded**. Lacking, false or misleading written, printed or graphic matter upon or accompanying food or containers of food or a container or package so made, formed or filled as to be misleading as identified in Section 37-123, Idaho Code, incorporated in these rules under Section 997. (6-30-95)

85. **MG/L**. Milligrams Per Liter, which is the metric equivalent of parts per million (ppm). (6-30-95)

86. **Mobile Food Unit Or Mobile Facilities**. Any movable food service establishment, truck, van, trailer, pushcart, bicycle, watercraft or other movable unit with or without wheels, including hand-carried, portable containers in or on which food or beverage is transported, stored or prepared for sale or given away at temporary locations. (6-30-95)

87. **Molluscan Shellfish**. Any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle. (6-30-95)

88. **NAMA**. National Automated Merchandising Association. (6-30-95)

89. **Noncritical Violations**. Those violations which are not critical violations and pertain to sanitation, design, operation and maintenance of the food establishment or operation. Noncritical violations are identified with a "N" in the violation code at the end of appropriate sections of these rules. (6-30-95)

90. **Nonpotentially Hazardous Food**. See potentially hazardous food. (7-1-98)

91. **Nonfood Contact Surfaces**. Exposed surfaces other than food contact surfaces. (6-30-95)

92. **NSF**. The National Sanitation Foundation. (6-30-95)

93. **NSSP**. The National Shellfish Sanitation Program. (6-30-95)

94. **On-Site**. The premises of the food establishment. (6-30-95)

95. **Package Or Packaged**. Bottled, canned, cartoned, bagged or securely wrapped. (6-30-95)

96. **Person**. Any individual, partnership, corporation, association, governmental subdivision or public

or private organization. (6-30-95)

97. Person In Charge. The individual present at the food establishment who is the supervisor of the establishment during any hour of operation and at the time of inspection. If there is no apparent supervisor at the time of an inspection, any employee present can be considered to be the person in charge. (6-30-95)

98. Personal Care Items. Items or substances that may be poisonous, toxic, or a source of contamination and are used to maintain or enhance a person's health, hygiene or appearance. Such items include, but not limited to, medicines, first aid supplies, cosmetics and toiletries such as toothpaste and mouthwash. (6-30-95)

99. Pest. An animal detrimental or annoying to man. (6-30-95)

100. Pet. Dog, cat or any other animal kept for pleasure or for purposes other than support animals. (6-30-95)

101. pH. A means of expressing the degree of acidity or alkalinity of a food or solution. Values between zero and seven (0 and 7) indicate acidity and values between seven and fourteen (7 and 14) indicate alkalinity. The value for pure distilled water is seven (7), which is considered neutral. (6-30-95)

102. Physical Facility Or Facilities. The structure and interior parts of a food establishment including accessories such as, but not limited to, soap and towel dispensers and attachments such as, but not limited to, light fixtures and heating or air conditioning system vents. (6-30-95)

103. Plumbing Fixture. A receptacle or device that is permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system; or discharges used water, waste materials, liquid waste or sewage directly or indirectly to the drainage system of the premises. (6-30-95)

104. Plumbing System. The water supply and distribution pipes; plumbing fixtures and traps; soil, waste, and vent pipes; sanitary and storm sewers and building drains, including their respective connections, devices, and appurtenances within the premises; and water-treating equipment. (6-30-95)

105. Poisonous/Toxic Materials. Materials which are capable of being harmful or hazardous to employees and other persons when they are in contact with food or food contact surfaces and which are divided into the following categories: (6-30-95)

a. Pesticides; and (6-30-95)

b. Detergents, sanitizers and related cleaning or drying agents; and (6-30-95)

c. Caustics, acids, polishes and similar toxic chemicals; and (6-30-95)

d. Substances necessary for the operation and maintenance of the establishment such as, but not limited to, nonfood grade lubricants; and (6-30-95)

e. Personal care items that may be deleterious to health; and (6-30-95)

f. Substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale, such as, but not limited to, petroleum products, paints and veterinary supplies. (6-30-95)

106. Potable Water. Water suitable for drinking purposes; safe water supply; water in compliance with Subsection 600.01.b. (6-30-95)

107. Potentially Hazardous Food. Any food or ingredient, natural or synthetic, in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms or the slower growth of Clostridium botulinum. Included is any food of animal origin, either raw or heat treated and any food of plant origin which has been heat treated or which is raw seed sprouts; cut melons; and garlic and oil mixtures. The following foods are excluded and considered nonpotentially hazardous: (7-1-98)

a. Air-dried hard-boiled eggs with shells intact; (6-30-95)

b. Foods with a water activity (aw) value of eighty-five hundredths (0.85) or less; (6-30-95)

c. Foods with a pH (hydrogen ion concentration) level of four and six tenths (4.6) or below when measured at seventy-five degrees Fahrenheit (75F); (6-30-95)

d. Foods, in unopened hermetically-sealed containers, which have been commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution; and (6-30-95)

e. Foods for which laboratory evidence (acceptable to the regulatory authority) demonstrates that rapid and progressive growth of infectious and toxigenic microorganisms or the slower growth of Clostridium botulinum cannot occur. (6-30-95)

f. Pasteurized milk, half-and-half, cream, butter products, frozen dairy desserts and other fluid milk products, in the original unopened container; and (7-1-98)

g. Any other foods determined by the Department not to be potentially hazardous. (7-1-98)

108. **PPM**. Parts per million. (6-30-95)

109. **Premises**. The physical food establishment, its contents, and the contiguous land or property under the control of the license holder. The term premises does not apply to malls and other similar businesses, temporary food establishments or activities which may have multiple food operations on contiguous land or property and the person of ownership of such contiguous land or property is not the primary responsible party for the food establishment and does not have direct impact on the personnel or day-to-day operations. (7-1-98)

110. **Product Module**. A multi-use or single-service food container designed for customer self-service of bulk food by either direct or indirect means. This term does not mean a vending machine. (6-30-95)

111. **Product Thermometer**. A thermometer, thermocouple, thermistor or other device that when the sensor is inserted into food indicates the temperature of the food. This term does not include nonproduct or ambient temperature sensing devices. (6-30-95)

112. **Ready-To-Eat Food**. Food that is in a form that is edible without washing, cooking, or additional preparation by the food establishment or the consumer and that is reasonably expected to be consumed in that form. Ready-to-eat foods includes the following: (6-30-95)

a. Unpackaged potentially hazardous food that have been cooked to the temperature and time required for the specific food in Section 300; (6-30-95)

b. Raw, washed, cut fruits and vegetables; (6-30-95)

c. Whole, raw fruits and vegetables that are presented for consumption without the need for further washing, such as, but not limited to, buffet; and (6-30-95)

d. Other food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks, or shells are removed. (6-30-95)

113. **Reconstitute**. Recombining dehydrated food products with water or other liquids. (6-30-95)

114. **Reduced Oxygen Packaging**. The reduction of the amount of oxygen in a package by mechanically evacuating the oxygen; displacing the oxygen with another gas or combination of gases; or otherwise controlling the oxygen content in a package to a level below that normally found in the surrounding atmosphere, which is twenty-one percent (21%) oxygen. Reduced oxygen packaging includes methods that may be referred to as altered atmosphere, modified atmosphere, controlled atmosphere, low oxygen and vacuum packaging including sous

vide. (6-30-95)

115. Refrigeration Unit. Equipment, regardless of its size or construction, which is utilized for cooling or freezing food or maintaining food cold or frozen. (6-30-95)

116. Refuse. Garbage, rubbish, litter and other solid waste not carried by water through the sewage system. (6-30-95)

117. Regulatory Authority. The Director of the Idaho Department of Health and Welfare or the Director's designee. (6-30-95)

118. Responsible Program Agency. The agency within the Department designated by the Director for the purpose of supervision and oversight for insuring proper enforcement of these rules. (6-30-95)

119. Restricted Use Pesticide. A pesticide product that contains the active ingredients specified in 40 CFR 152.175, incorporated in these rules under Section 997, and classified for restricted use, and that is limited to use by or under the direct supervision of a certified applicator. (6-30-95)

120. Retail Food Store. Any food establishment or portion of an establishment where food and food products are offered to the consumer and intended for off-premise consumption. (6-30-95)

121. Safe Materials. Articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in becoming a component of or otherwise affecting the characteristics of any food. (6-30-95)

a. If materials are food additives or color additives as defined in Section 201(s) or (t) of the Federal Food, Drug and Cosmetic Act, incorporated in these rules under Section 997, are used, they are “safe” only if they are used in conformity with regulations established pursuant to Section 409 or Section 706 of Title 21, United States Code, Federal Food, Drug and Cosmetic Act, incorporated in these rules under Section 997. (6-30-95)

b. Other materials are “safe” only if, as used, they are not food additives or color additives as defined in Section 201(s) or (t) of the Federal Food, Drug and Cosmetic Act, incorporated in these rules under Section 997, and are used in conformity with all applicable regulations of the Food and Drug Administration incorporated in these rules under Section 997. (6-30-95)

122. Salvageable Merchandise. Any distressed merchandise, as defined in Subsection 005.34, which can be reconditioned to the satisfaction of the regulatory authority. (6-30-95)

123. Salvage Processing Establishment Or Operation. A facility or activity primarily engaged in the business of reconditioning or by other means salvaging distressed merchandise, as defined in Subsection 005.34, and which sells or distributes salvaged merchandise for human consumption. (6-30-95)

124. Sanitization. The act of reducing microbial organisms on cleaned food contact surfaces to a safe level. A safe level is demonstrated by achieving a five (5) log reduction of representative disease microorganisms of public health importance. (6-30-95)

125. SCBA. Self Contained Breathing Apparatus. (6-30-95)

126. Sealed. Free of cracks or other openings that permit the entry or passage of moisture. (6-30-95)

127. Servicing Area. A designated operating base location, or commissary, to which mobile food establishment(s) or transportation vehicles returns regularly for such things as refilling water tanks or containers and ice bins, boarding food, and for properly discharging liquid and solid wastes. (6-30-95)

128. Sewage. Solid or liquid waste containing human, animal, vegetable or chemical matter in suspension or solution. (6-30-95)

129. Shellfish Control Authority. A state, federal, foreign, or other government entity legally responsible for administering a program that includes certification of molluscan shellfish harvesters and dealers for interstate commerce. (6-30-95)

130. Shellstock. Raw, in-shell molluscan shellfish. (6-30-95)

131. Single-Service Articles. Tableware, including flatware and hollowware, carry-out utensils and other items such as bags, containers, placemats, stirrers, straws, toothpicks and wrappers which are designed, fabricated and intended by the manufacturer for one (1) time, one (1) person use. (6-30-95)

132. Single-Use Articles. Bulk food containers and utensils intended by the manufacturer to be used once and discarded. The term includes items such as, but not limited to, formed aluminum, plastic or fiber food containers, jars, ketchup bottles, plastic buckets, barrels, cans, wax paper, butcher paper, plastic wrap, bread wrappers, aluminum foil and disposable gloves and aprons. (6-30-95)

133. Slacking. The process of moderating the temperature of a food such as allowing a food to gradually increase from a deep-frozen state to twenty-five degrees Fahrenheit (25F) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen food. (6-30-95)

134. Slaughter. The killing of an animal for food by a butcher in a state or federal regulated food processing establishment. (6-30-95)

135. Smooth. A surface texture defined as follows: (6-30-95)

a. Food contact surfaces having a uniform surface free of pits and inclusions with a cleanability equal to or exceeding that of number three (3) (one hundred (100) grit) stainless steel; (6-30-95)

b. Splash areas and nonfood contact surfaces of equipment having a surface equal to that of commercial grade hot-rolled steel free of visible scale; and (6-30-95)

c. Floors, walls and ceilings having an even or level surface with no roughness or projections that render it difficult to clean. (6-30-95)

136. Support Animal. A trained animal that accompanies a person with a disability to assist in managing the disability and enables the person to perform functions that the person would otherwise be unable to perform. (6-30-95)

137. Table-Mounted Equipment. Equipment that is mounted off the floor on a structure such as a table, counter or shelf. (6-30-95)

138. Tableware. Eating and drinking utensils for table use such as flatware, hollowware and plates. (6-30-95)

139. Temperature Measuring Device. A thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air, or water. See Product Thermometer. (6-30-95)

140. Temporary Food Establishment. A food establishment that operates at a fixed location for not more than fourteen (14) consecutive days in conjunction with a single event or celebration. (6-30-95)

141. Transportation. Movement of food, while under the control of the person in charge, to a point elsewhere on the premises or from the food establishment to another site off the premises. (6-30-95)

142. USDA. The United States Department of Agriculture. (6-30-95)

143. Utensil. Any food-contact implement used in the storage, preparation, transportation, dispensing, service or sale of food, such as, but not limited to, kitchenware or tableware that is multi-use, single-service, or single-use; gloves used in contact with food; and product thermometer. (6-30-95)

144. **Vector**. Insects, rodents and other animals which transmit disease by inoculation or by deposition of pathogenic organisms on the skin or on food or other objects. (6-30-95)

145. **Vending Machine**. Any self-service device which, upon insertion of a coin, paper currency, token, card or key, dispenses unit servings of food, either in bulk or in packages, without the necessity of replenishing the device between each vending operation. Vending machine also includes self-service dispensers equipped for optional manual operation. Unless otherwise stated, vending machine includes a controlled location vending machine. (6-30-95)

146. **Violation Code**. A method for identifying the category and public health significance of violations in these rules, as follows: (6-30-95)

a. The number represents the category item number which may be identified on the inspection report form for data entry purposes; (6-30-95)

b. The term(s) after the number define the regulatory interpretation(s); and (6-30-95)

c. The letter(s) after the interpretation term(s) represents the public health significance of the violation. Noncritical violations are identified with the letter "N" and critical violations are identified with the letter "C". A violation code containing both "N" and "C" indicate violations that could be noncritical or critical depending on the circumstances. See also Subsections 005.26 and 005.85. (6-30-95)

147. **Warewashing**. The cleaning and sanitizing of the food contact surface of equipment and utensils such as kitchenware and tableware. (6-30-95)

148. **Water Activity**. A measure of unbound, free water in a food available to support biological and chemical reactions. The term represents the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature, and is indicated by the symbol "aw". (6-30-95)

1**49.** **Wildlife**. Animals which are not commercially raised and processed in an operation under routine regulatory surveillance. The term includes, but is not limited to, mammals such as antelope, deer, elk, buffalo, rabbit, squirrel and bear; birds such as waterfowl, quail and pheasant; fish; reptiles such as alligator, turtle and rattlesnake; and mollusks such as snail. (6-30-95)

150. **Wild Mushrooms**. Mushrooms not grown, harvested and processed in an operation under routine regulatory surveillance. (6-30-95)

006. -- 099. (RESERVED).

100. FOOD SOURCES AND SPECIFICATIONS.
Food in food establishments shall be obtained from sources that comply with these rules and all applicable food and food labeling laws incorporated in these rules under Section 997 (1, source, C; 2, labeled, N). All foods in food establishments shall be in sound condition, free from adulteration, misbranding, spoilage, filth or other contamination and shall be safe for human consumption (1, sound/adulteration/spoilage, C; 2, misbranded, N, (See Subsection 005.141 for violation code) (6-30-95)

01. **Food Sources**. Food shall be obtained from sources which comply with these rules and applicable food safety laws incorporated in these rules under Section 997. (1, source, C). (6-30-95)

02. **Hermetically Sealed And Reduced Oxygen Packaged Food**. Hermetically sealed and reduced oxygen packaged food shall be obtained only from regulated food processing establishments. Should a food establishment other than a regulated food processing establishment engage in the processing or packaging of hermetically sealed or reduced oxygen packaged food, such food establishment shall comply with Section 860 in its entirety (1, source, C). (6-30-95)

03. **Milk And Milk Products**. Milk and milk products shall comply with the following requirements:

(6-30-95)

a. Fluid milk and fluid milk products shall be pasteurized and be from sources which comply with Grade A standards as specified in law (1, source, C), except that: (6-30-95)

i. Raw milk and raw milk products in the approved package which comply with retail raw milk standards as specified in law may be sold to the consumer only in retail food stores and other establishments approved by the regulatory authority (1, source, C); and (6-30-95)

ii. Cheese and cheese products where alternate procedures to pasteurization are provided and comply with 21 CFR 133, incorporated in these rules under Section 997 (1, source, C). (6-30-95)

b. Dry milk and dry milk products shall have been manufactured from pasteurized milk or milk products at regulated food processing establishments (1, source, C). (6-30-95)

04. Eggs And Egg Products. Shell eggs shall be obtained from regulated egg producing establishments and received whole, graded, without cracks or checks and shall be clean (1, source, C), except that: (6-30-95)

a. Hard-boiled, peeled eggs, commercially prepared and packaged, may be used (1, source, C); (6-30-95)

b. Liquid, frozen or dry eggs and egg products shall be obtained from regulated food processing establishments and shall be obtained pasteurized (1, source, C); and (6-30-95)

c. Ungraded eggs may be sold to the consumer only in retail food stores and other establishments approved by the regulatory authority when done in accordance with Title 37, Chapter 15, Idaho Code, incorporated in these rules under Section 997, and properly labeled "Ungraded Eggs" (1, source, C; 2, labeled, N). (6-30-95)

05. Fishery Products. Fresh and frozen fishery products shall comply with the following requirements: (6-30-95)

a. Fishery products shall be commercially and legally caught or harvested (1, source, C). (6-30-95)

b. Molluscan shellfish shall be obtained from sources according to law and such sources shall be listed in the NSSP Interstate Certified Shellfish Shippers List. (1, source, C). (6-30-95)

c. Shucked molluscan shellfish shall be obtained in nonreturnable packages legibly bearing the processor's name, address, authorized certification number and appropriate "sell by" date or "shucked" date (2, labeled/container, N). (6-30-95)

d. Shellstock shall be obtained in packages bearing the harvester's or shipper's legible tag or label which identifies the name, address, authorized certification number, harvest date and location (2,labeled/ container, N). (6-30-95)

e. Shellstock source identification tag or label shall be maintained on the container until it is empty and then such identifying information shall be kept on file at the food establishment for ninety (90) days from date of receipt (2, labeling, N). (6-30-95)

06. Salvageable Merchandise. Salvageable merchandise shall be obtained from regulated food salvage processing facilities (1, source, C). (6-30-95)

07. Wild Mushrooms. Wild mushrooms shall be obtained from sources where each mushroom has been individually inspected and found to be safe by an expert acceptable to the regulatory authority and properly labeled (1, source, C; 2, labeled, N). (6-30-95)

08. Meat. All meat and meat products shall be obtained from regulated meat processing establishments

and shall have been inspected for wholesomeness under an official regulatory program (1, source/wholesome, C). (6-30-95)

09. **Wildlife**. Wildlife shall not be received for sale or service to the consumer, except such wildlife: (6-30-95)

a. Processed in a federally inspected processing plant (1, source, C); or (6-30-95)

b. Imported from outside the United States from a country having a federally approved program of inspection (1, source, C); or (6-30-95)

c. As allowed by the regulatory authority upon satisfactory compliance with Section 002 and Section 900 in their entirety (1, source, C). (6-30-95)

10. **Home-Canned And Home-Prepared Food**. Food canned or prepared in a private home or anyplace other than a regulated food establishment shall not be used, stored or offered for sale (1, source, C). (6-30-95)

11. **Ice**. Ice for use as a food or a cooling medium shall be made from potable water; and once used as a medium for cooling the exterior surfaces of food such as, but not limited to, produce and fish; packaged foods and containers of food such as, but not limited to, canned beverages and salad bar items; or cooling coils and tubes of equipment; ice may not be used as food; except ice in contact with properly installed cold-plate beverage cooling devices may be used (1, source, C). (6-30-95)

12. **Donated Food**. Food donated to a charitable or nonprofit organization pursuant to Chapter 13, Title 6, Idaho Code, shall not be in violation of these rules. (6-30-95)

13. **Receiving Temperature**. Food, when received, shall be at a safe temperature. (6-30-95)

a. Frozen food shall be received frozen (3, temperature, C). (6-30-95)

b. Potentially hazardous foods shall be received at forty-five degrees Fahrenheit (45F) or below, or one hundred and forty degrees Fahrenheit (140F) or above, except shell eggs and live fishery products may be received from their distributors at their respective temperatures according to laws governing their distribution (3, temperature, C). (6-30-95)

c. Upon receipt, potentially hazardous food shall be free of evidence of previous temperature abuse (3, temperature, C). (6-30-95)

14. **Adulterated Food**. Foods shall not be adulterated by containing unapproved food additives, color additives, chemicals, sulfating agents, and pesticide residues, which exceed provisions of 21 CFR 170-186 or 40 CFR 185 incorporated in these rules under Section 997 (1, adulterated, C). (6-30-95)

15. **Food Containers**. Food containers shall be in good condition and maintain the safety and integrity of the contents and shall not be misbranded (1, safe, C; 2, misbranded, N). (6-30-95)

16. **Food Container Labels**. Food container labels, whether printed, embossed or stamped, shall be present and shall be in accordance with applicable labeling laws, incorporated in these rules under Section 997 (2, labeled/misbranded, N). (6-30-95)

a. Information to appear on the label shall include the following: (6-30-95)

i. Common or usual name of the food (2, labeled, N); (6-30-95)

ii. Ingredients listed by common or usual name in descending order of predominance by weight (2, labeled, N); (6-30-95)

iii. Declaration of the net quantity of the contents (2, labeled, N); (6-30-95)

iv. Name and place of business of the manufacturer, packer or distributor (2, labeled, N); and (6-30-95)

v. Such labeling and accompanying label information and graphics shall be in compliance with Title 37, Chapter 1, Idaho Code, Idaho Food, Drug and Cosmetic Act, incorporated in these rules under Section 997 (2, labeled, N). (6-30-95)

b. Salvaged merchandise shall be labeled in compliance with Subsection 100.15.a. and the following: (6-30-95)

i. Where original labels are removed from salvageable merchandise which are to be resold or redistributed, the replacement labels must show the distributor, and the name and place of business of the salvage processing facility, as well as the date of reconditioning for sale or distribution (2, labeled, N). (6-30-95)

ii. Reconditioned distressed merchandise which has been brought into compliance with Section 100, shall be conspicuously labeled to indicate that the merchandise has been salvaged (2, labeled, N). (6-30-95)

c. Bulk food shall be labeled in compliance with Subsection 100.15.a. or at least one (1) of the following: (6-30-95)

i. Manufacturer's or processor's bulk container label plainly in view (2, labeled, N); (6-30-95)

ii. A card, sign or other appropriate device bearing prominently and conspicuously the common name of the food, a list of ingredients in descending order of predominance by weight and declaration of artificial color or flavor and chemical preservatives if contained in the product (2, labeled, N). (6-30-95)

iii. Unpackaged bulk foods, such as bakery products, need not comply with labeling requirements, provided that a health claim is not made and the unpackaged food is manufactured on the premises or manufactured by the same firm at a different location and the food is offered for retail sale at the firm's establishment and the food is sold across the counter upon the consumers' orders (2, labeled, N); and (6-30-95)

iv. Bulk containers of chemicals and pet food shall meet the same labeling requirements as food (41, chemicals labeled, C; 2, labeled, N). (6-30-95)

101. -- 199. (RESERVED).

200. FOOD PROTECTION.
All food, while being stored, prepared, displayed, served or sold in food establishments or transported shall be protected against contamination, unsafe additives, unclean utensils and work surfaces, unnecessary handling, coughs and sneezes, flooding, draining and overhead leakage, dust, flies, rodents and other animals, poisonous and toxic materials and any other source (1, adulteration, C; 8, protection, N; 7, cross- contamination, C). (6-30-95)

01. Packaging Safeguards. Packaging safeguards to prevent contamination shall be as follows: (6-30-95)

a. Packaged food shall be protected against contamination resulting from defects in the packaging which no longer assures the safety and integrity of the contents (8, protection, N); (6-30-95)

b. Food, unpackaged and packaged, shall not be stored in contact with water or undrained ice (wet storage)(8, protection, N), except that: (6-30-95)

i. Wet storage of pressurized containers of beverages and whole, sound watermelons and similar type fruit may be permitted when the water contains at least fifty (50) ppm and not exceed one hundred (100) ppm of available chlorine or the equivalent as a hypochlorite or the equivalent (8, protection, N; 41, concentration, C); and the water is changed frequently enough to keep both the water and containers or watermelons and similar type fruit

clean (8, protection, N); (6-30-95)

ii. Wet storage of live molluscan shellfish in a life support system is permitted when constructed and operated in compliance with the provisions of Sections 500.07.e. and 500.15.j.; (6-30-95)

iii. Wet storage of live crustaceans, such as crabs and lobsters, and fish in a life support system is permitted when constructed and operated in compliance with the provisions of Subsection 500.07.f.; (6-30-95)

iv. Wet storage of whole raw fruits or vegetables on display which will be subjected to further washing is permitted; (6-30-95)

v. Wet storage of cut, raw vegetables such as, but not limited to, celery or carrot sticks or cut potatoes is permitted; and (6-30-95)

vi. Certain other foods are permitted to contact water or ice where the method is a common food industry practice which is approved by the regulatory authority. (6-30-95)

c. Quantities of shucked shellfish shall not be removed from their original containers for retail sale or prior to preparation for service (8, protection, N), except that: (6-30-95)

i. Quantities may be held in alternate display containers such as bowls providing the identity of the product on hand can be maintained (2, labeled, N); and (6-30-95)

ii. Smaller single-service containers may be filled upon the consumers' orders; (6-30-95)

d. Potentially hazardous food dispensed through vending machines shall be in packages in which it was placed at a commissary or food processing establishment (8, protection, N); (6-30-95)

e. Ice offered for sale shall be packaged and labeled (8, protection, N; 2, labeled, N), except that individual portions of ice may be dispensed for beverage service without labeling; and (6-30-95)

f. Storage containers holding foods such as, but not limited to, flour, salt, sugar or cooking oils which have been removed from their original packages shall be labeled with the common name of the food (2, labeled, N), except that containers holding food that can be unmistakably identified by the regulatory authority need not be labeled. (6-30-95)

02. Preventing Cross-Contamination. Foods shall be protected against cross-contamination by: (6-30-95)

a. Except when combined as ingredients, completely separating types of raw animal products such as beef, lamb, fish, pork and poultry during transportation, storage, processing, holding and display by satisfactory compliance with the following: (6-30-95)

i. Use of separate equipment for each type (7, cross-contamination, C); (6-30-95)

ii. Arranging each type of food in equipment so that cross-contamination of one type with another is prevented (7, cross-contamination, C); (6-30-95)

iii. Preparing each type of food at different times or in separate areas (7, cross-contamination, C); and (6-30-95)

iv. In continuous noninterrupted production line operations raw animal products shall be processed in the following order: beef or lamb, first; fish, second; pork, third; and poultry last (7, cross-contamination, C). (6-30-95)

b. Where custom processing of wildlife and other animals is done upon request by an individual, the wildlife and other animals are completely separated from other food during storage and processing with the use of

separate equipment or areas or by scheduling and cleaning (7, cross-contamination, C), provided there is satisfactory compliance with the following: (6-30-95)

i. Slaughtering and cleaning of wildlife and other animals is not done in the food establishment, except for meat processing establishments with kill floors (7, cross-contamination, C); (6-30-95)

ii. Wildlife and other animal carcasses are free of any visible dirt, filth, fecal matter or hair before such carcasses enter the food establishment, except for meat processing establishments with kill floors (7, cross-contamination, C); (6-30-95)

iii. There is an identifying tag with the owner's name, address and telephone number on each carcass or divided parts and packaged or wrapped parts (2, labeled, N); and (6-30-95)

iv. "Not for sale" label is marked or tagged on each carcass or divided parts and packaged or wrapped parts (2, labeled, N); (6-30-95)

c. Physically separating unwashed produce and raw meat products from raw ready-to-eat food and cooked ready-to-eat food products during storage, preparation, holding, transportation or service (7, cross-contamination, C); (6-30-95)

d. Providing separated storage shelves, areas or other approved methods for spoiled, returned, damaged or other unwholesome food being held in the establishment (7, cross- contamination, C); (6-30-95)

e. Cheese contaminated with spoilage mold shall not be sold or served unless it is reconditioned by removing the mold (1, adulteration, C), provided that cheese with high moisture content with mold is discarded (1, adulteration, C); (6-30-95)

f. Ice removed from the ice machine to be used or sold for human consumption shall be used for no other purpose prior to use or being sold, except as allowed by Subsection 100.11 (7, cross-contamination, C); (6-30-95)

g. Ready-to-eat foods shall not be prepared in areas where raw meats are processed, except by scheduling and cleaning between operations (7, cross-contamination, C); and (6-30-95)

h. Pasteurized liquid, frozen, or dry eggs or egg products shall be substituted for shell eggs in the preparation of: (6-30-95)

i. Foods that are not cooked as specified in Section 300 or used in Caesar salad, hollandaise or barnaise sauce, noncommercial mayonnaise, eggnog, ice cream, and egg-fortified beverages (7, cross-contamination, C); and (6-30-95)

ii. Eggs for a highly susceptible population if the eggs are broken, combined in a container, and not cooked immediately or if the eggs are held before service following cooking (7, cross-contamination, C). (6-30-95)

03. Precluding Unsafe Additives. Foods shall be protected against adulteration or contamination resulting from the addition of: (6-30-95)

a. Unsafe or unapproved food or color additives and unsafe or unapproved levels of safe food or color additives, as specified in Subsection 100.14 (1, adulteration, C); (6-30-95)

b. Sulfiting agents applied by an employee of a food establishment to fresh fruits and vegetables intended for raw consumption or to a food considered to be a good source of vitamin B1, except this requirement shall not apply to grapes receiving sulfiting agents by the grape industry at acceptable levels (1, adulteration, C); (6-30-95)

c. Steam additives other than those allowed in 21 CFR 173.310, incorporated in these rules under Section 997 (1, adulteration, N); (6-30-95)

d. Gases to supply force to expel a food product or used to reduce the amount of oxygen in contact with the food in packaging other than those allowed in 21 CFR 184, incorporated in these rules under Section 997 (1, adulteration, C); and (6-30-95)

e. Air to supply pressure to water or food tanks, except air of SCBA quality (1, adulteration, C). (6-30-95)

04. Removing And Precluding Other Contaminants. Food contamination shall be removed or precluded by compliance with the following: (6-30-95)

a. Thoroughly washing whole raw fruits and vegetables with potable water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served or sold in ready-to-eat form (8, preparation, N), except that whole, raw fruits and vegetables that are intended for washing by the consumer before consumption need not be washed before they are sold; (6-30-95)

b. Protecting food from consumer contamination by the use of package overwrapping, counter, service line or salad bar food shields or guards, display cases or other effective means approved by the regulatory authority (8, protection/packaging/ display, N; 15, constructed, N), except that uncut raw fruits and vegetables on display need not be so protected; (6-30-95)

c. Whole shell eggs shall be broken by a method that minimizes the commingling of the shell, shell fragments or membrane with the liquid contents of the eggs (8, preparation, N); (6-30-95)

d. All condiments, sugar, seasonings and dressings for consumer self-service shall be provided from mechanical dispensers, pour-type dispensers, protected food displays provided with the proper utensils, original containers designed for dispensing or individual packages or portions (8, protection, N); (6-30-95)

e. Condiments at vending machine locations shall be in individual packages (8, service, N); (6-30-95)

f. Unpackaged potentially hazardous food in bulk form shall not be offered for consumer self-service (8, dispensing, N) (7, cross-contamination, C), except raw seed sprouts, unpackaged ready-to-eat foods at buffets or salad bars, and food bars that serve foods such as sushi or raw fishery products, and ready-to-cook individual portions for immediate cooking and consumption on the premises shall be excluded from this requirement; (6-30-95)

g. Food, once served to the consumer, shall be discarded (7, reserved, C), except that packaged, nonpotentially hazardous food which has been maintained in sound condition and free from contamination may be reused if it is in a food establishment that does not serve a highly susceptible population; (6-30-95)

h. Pasteurized milk and milk products used for drinking purposes shall be provided to the consumer in an unopened, commercially filled package not exceeding one (1) pint in capacity, or drawn from a commercially filled container stored in a mechanically refrigerated bulk milk dispenser, or dispensed by an employee from a commercially filled container not exceeding one (1) gallon in capacity (2, container, N). (6-30-95)

i. In institutional-type feeding where meals are served on a predetermined schedule and not on demand, employees may pour individual servings of milk or milk products from a commercially filled container not exceeding one (1) gallon in capacity, provided that the practice does not create a threat to public health; and any milk remaining in opened containers after the meal is used for cooking only; (6-30-95)

ii. Where a bulk dispenser for milk and milk products is not available and portions of less than one-half (1/2) pint are used for mixed drinks, cereal or dessert service, milk and milk products can be dispensed from a commercially filled container having a capacity of not more than one (1) gallon (2, container, N); (6-30-95)

i. Cream, half-and-half, nondairy creaming and whitening agents shall be protected from contamination during service by being drawn from a mechanical self-service dispenser, using a covered pour-type dispenser or using individual packages or portions (8, service, N); (6-30-95)

j. Prepared food, once removed from the original package or container, regardless of the amount, shall not be returned to the original package or container (7, segregated, C); (6-30-95)

k. Any food removed by the consumer from a self-service display, salad bar, food bar, or bulk food container and not retained by the consumer shall not be returned and shall be immediately discarded (7, reserved, C); (6-30-95)

l. Food, during transportation, shall be completely protected from contamination by the use of wrapping, packages or covered containers (8, transportation, N) and, in the case of raw and potentially hazardous foods, shall comply with Subsections 200.02 and 320.07, where applicable, except that hanging meats need not be wrapped when located in clean, enclosed meat transportation vehicles (8, transportation, N); (6-30-95)

m. Cleaning hermetically sealed food containers of visible soil before opening (8, protection, N); and (6-30-95)

n. Protecting food containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened (8, protection, N). (6-30-95)

05. Precluding Hand Contact Contamination. Food shall be protected from contamination from hand contact by compliance with the following: (6-30-95)

a. Food contamination by employees' hands shall be avoided by compliance with the provisions of Subsections 400.06 and 400.07; (6-30-95)

b. Food contamination from employees' hands shall be avoided or minimized during food preparation by the proper use of deli paper, suitable utensils or single-use gloves where practical (9, minimized, N-C); (6-30-95)

c. Ice contamination from employees' hands shall be avoided when dispensing ice for individual beverage service by the proper use of scoops, tongs or other ice dispensing utensils or by using automatic, self-service ice dispensing equipment (9, restricted, C); and (6-30-95)

d. Food shall be protected from hand contact contamination at consumer self-service operations by providing suitable utensils, single-service articles or other effective dispensing methods (9, minimized, N). (6-30-95)

06. Equipment And Utensil Contamination Control. Food shall be protected from equipment and utensil contamination by compliance with the following: (6-30-95)

a. Food shall be protected from contamination by preventing contact with surfaces of equipment and utensils that have not been cleaned, sanitized and protected in accordance with the provisions of Sections 520 and 540 (22, clean, C; 20, sanitized, C; 24, storage, N); (6-30-95)

b. Food shall be protected against overhead contamination while being stored by placing it in a clean container with an impervious covering (8, protection/storage, N; 14, constructed, N; 22, clean, N-C) except that the following shall be exempt from this requirement: (6-30-95)

i. Unopened packages of food; (6-30-95)

ii. Opened packages of food that can be adequately closed or covered to preclude contamination when only a portion of the food is removed; and potentially hazardous food or food subject to spoilage upon opening is maintained at a safe temperature as specified by Subsection 320.03 (3, storage, C); (6-30-95)

iii. Whole uncut raw fruits and vegetables and nuts in the shell, that require peeling or hulling before consumption; (6-30-95)

iv. Primal cuts, quarters or sides of meat and processed meats such as country hams, slab bacon and smoked or cured sausages which are hung on rust free, clean and sanitized hooks or placed on clean and sanitized

metal racks (14, constructed, N; 22, clean, C; 20, sanitized, 4); and (6-30-95)

v. Breads and rolls stored in accordance with Subsection 500.02.i.; (6-30-95)

vi. Foods being cooled as specified under Subsection 320.05.c.ii. (6-30-95)

c. Food shall be protected from contamination by employee safety equipment such as metal or unmetallic gloves or other devices, when used by: (6-30-95)

i. Using such gloves and devices that have been cleaned and sanitized prior to handling foods and after extended interruptions in the food preparation operation (22, clean, C; 20, sanitized, C); and (6-30-95)

ii. Using such gloves and devices for only one (1) product between replacement, cleaning and sanitizing, except for continuous noninterrupted production line operations. Such gloves and devices may be used for more than one (1) product without replacement, cleaning and sanitizing when products are handled in the following order: any cooked ready-to-eat meat products, first; beef or lamb, second; fish, third; and pork or poultry last. Afterwards such gloves and devices shall be replaced, cleaned and sanitized before handling other foods (7, cross-contamination, C; 22, clean, C; 20, sanitized, C); (6-30-95)

d. Food shall be protected against contamination from preparation utensils during brief pauses in preparation by placing these utensils in the food with handles extended out of food or laying them flat on a clean portion of the food preparation table or cooking equipment which has been cleaned and sanitized at a frequency specified under Section 520 (10, stored, N; 22, clean, C; 20, sanitized, C); (6-30-95)

e. Wiping cloths use shall be restricted as follows: (6-30-95)

i. Dry cloths used for wiping food spills from tableware and carryout containers shall be clean and used for no other purpose (21, clean/restricted, N); (6-30-95)

ii. Moist cloths used for wiping food spills from food-contact and nonfood-contact surfaces of equipment shall be clean and rinsed frequently in a sanitizing solution permitted by Subsection 520.11.d. (21, clean/stored, N), except that single-service disposable towels containing a sanitizing solution permitted by Subsection 520.11.d. may be used in place of wiping cloths provided they are discarded after each single use (26, reuse, N); and (6-30-95)

iii. Dry or moist cloths that are used with raw animal foods shall be kept separate from cloths used for other purposes, and moist cloths used with raw animal food shall be kept in a separate sanitizing solution (21, clean/stored, N). (6-30-95)

f. Food may not contact probe-type price or identification tags (7, cross-contamination, N-C); and surfaces of utensils and equipment that are not cleaned and sanitized as specified under Section 520 of these rules (22, clean, C; 20, sanitized, C); (6-30-95)

g. Food dispensing utensils shall be stored clean and dry on a clean surface, or in the food with handles extended out of the food, or in a container of water maintained continually at a temperature of forty-five degrees Fahrenheit (45F) or below or one hundred forty degrees Fahrenheit (140F) or above and changed frequently or in running water of sufficient velocity to flush particulates to the drain (10, stored, N), except that: (6-30-95)

i. Dry food dispensing utensils shall be stored either clean and dry or in the food with handles extended out of the food (10, stored, N); (6-30-95)

ii. Utensils for consumer self-service dispensing shall not be stored in food with handles extended out of the food unless the utensils are specifically designed to prevent handle contact with the food (14, designed, N); and (6-30-95)

iii. Ice scoop may be stored wet on a clean, protected location if the utensil is used for no other purpose (10, stored, N). (6-30-95)

h. Single-use gloves, when used as a food handling utensil, shall be used for only one (1) purpose, such as working with ready-to-eat food or with raw animal food, and changed when soiled, breaks occur in the gloves or extended interruptions occur in the operation (7, cross-contamination, C; 8, protection, N; 22, clean, N; 14, constructed, N), provided that during brief pauses in the operation that require the removal of the gloves, the gloves shall either be left in the food with the cuffs extended out of the food or laid flat on a clean portion of the food preparation or service table (10, stored, N); (6-30-95)

i. Ice transfer utensils such as buckets shall be stored between uses in a way that protects them from contamination (10, stored, N); (6-30-95)

j. Linens or napkins used to line service utensils such as bread baskets shall be changed, laundered or discarded after each service (8, changed/laundered, N; 26, reuse, N); (6-30-95)

k. Reuse of soiled tableware, including single-service articles, by self-service consumers returning to the service area for additional food and beverages shall be prohibited, except that cups and glasses may be reused if the refilling process is by automatic dispensing equipment (8, service, N); (6-30-95)

l. A take-home beverage container returned to the food establishment shall not be filled with a potentially hazardous beverage (8, dispensing, N); (6-30-95)

m. Only product-specific take-home beverage containers shall be refilled, except that product-specific take-home beverage containers are not required for water vending operations (8, dispensing, N); and (6-30-95)

n. The system for refilling narrow-mouth take-home beverage containers, when used by the consumer, shall be by automatic dispensing equipment which includes a contamination free transfer process which the consumer cannot bypass (8, dispensing, N). (6-30-95)

07. Premises Contamination Control. Food shall be protected from contamination due to splash, dust or other contamination while on the premises by compliance with the following: (6-30-95)

a. Food shall be protected against contamination caused by flooding, drainage, leakage and condensation (8, protection, N); (6-30-95)

b. Food in containers shall be protected from contamination by storing containers at least six (6) inches above the floor (8, storage, N), except that: (6-30-95)

i. Food in containers may be stored less than six (6) inches above the floor on easily movable equipment such as dollies, racks, skids or open-ended pallets and in shelved cabinets (8, storage, N); or (6-30-95)

ii. Pressurized beverage containers or waterproof containers such as cans or bottles, may be stored on a floor that is clean and dry (8, storage, N); (6-30-95)

c. Food shall not be stored in toilet rooms, vestibules, garbage rooms or areas, locker rooms, dressing rooms, mechanical rooms or other areas of the food establishment which could expose the food to contamination (8, storage, N); (6-30-95)

d. Food shall not be stored under sewer lines that are not shielded to intercept potential drips, nor under leaking water lines, including leaking automatic fire sprinkler heads, nor under lines on which water has condensed (8, storage, N); (6-30-95)

e. Food shall not be stored under open stairwells or under other sources of contamination (8, storage, N); (6-30-95)

f. Food shall be protected against contamination from poisonous/toxic materials, first aid supplies, medicinals and cosmetics on the premises in accordance with Sections 800, et seq.; (6-30-95)

g. Food shall be protected against insects, rodents and other animals as specified in Subsections 600.04 and 700.16; and (6-30-95)

h. Food shall be protected by prohibiting unnecessary persons in the food preparation area, except that controlled visits/tours may be authorized by the person in charge (42, personnel, N). (6-30-95)

201. -- 299. (RESERVED).

300. DESTRUCTION OF ORGANISMS OF PUBLIC HEALTH CONCERN IN FOOD.
Potentially hazardous food shall be cooked, frozen or reheated properly to destroy organisms of public health concern. (6-30-95)

01. Fishery Products, Lamb, Eggs And Beef. Except as specified in other subsections of this section, fishery products, lamb, shell eggs that are prepared except in response to consumer's order and for immediate service, beef, unspecified meats and foods containing raw fish, lamb, beef or unspecified meats shall be cooked to heat all parts of the food to one hundred forty-five degrees Fahrenheit (145F) or above for fifteen (15) seconds (3, preparation, C). (6-30-95)

02. Rare Beef Roasts. Rare beef roasts shall be cooked to heat all portions of the food to a temperature of one hundred and thirty degrees Fahrenheit (130F) for one hundred and twenty-one (121) minutes or cooked as specified for beef roasts in Subsection 300.03 or as specified in 9 CFR 318.17, incorporated in these rules under Section 997 (3, preparation, C). (6-30-95)

03. Beef Roast And Corned Beef. Beef roast and corned beef shall be cooked according to the following procedure: (6-30-95)

a. Cooked in an oven that is preheated to the temperature specified for their weight, as identified in the following table except as specified in 9 CFR 318.17, incorporated in these rules under Section 997 (3, preparation, C):

	Oven Temperature in Degrees Fahrenheit	
Oven Type	Roast Weight Less than or equal to 10 pounds	Greater than 10 pounds
Still Dry	350	250
Convection	325	325
High Humidity*	250 or less	250 or less

* Relative humidity greater than ninety percent (90%) for at least one (1) hour as measured in the cooking chamber or exit of the oven; or in a moisture-impermeable bag that provides one hundred percent (100%) humidity. (6-30-95)

b. Heat all portions of the food to the temperatures and times in the following table except as specified in 9 CFR 318.17, incorporated in the rules under Section 997 (3, preparation, C):

Temperature in Degrees Fahrenheit	Time in Minutes	Temperature in Degrees Fahrenheit	Time in Minutes
130	121	140	12
132	77	142	8
134	47	144	5
136	32	145	3

Time may include post oven rise (6-30-95)

04. Pork, Commercially Processed Game Animals, Comminuted Fish And Meats, Injected Meats And Eggs. Pork, commercially processed game animals, comminuted (chopped, flaked, ground, minced, etc.) fish and meats, injected meats, and eggs not prepared as specified in Subsection 300.01 shall be cooked to heat all parts of the food to one hundred fifty-five degrees Fahrenheit (155F) for fifteen (15) seconds, or one hundred fifty degrees Fahrenheit (150F) for one (1) minute, or one hundred forty-five degrees Fahrenheit (145F) for three (3) minutes (3, preparation, C). (6-30-95)

05. Poultry, Stuffed Foods And Stuffing Containing Meats. Poultry, poultry products, stuffed fish, stuffed meats, stuffed pasta, stuffed poultry and stuffing containing meat, as defined in Subsection 005.79, shall be cooked to heat all parts of the food to one hundred sixty-five degrees Fahrenheit (165F) or above for fifteen (15) seconds (3, preparation, C). (6-30-95)

06. Microwave Oven Cooking. Raw animal products cooked in a microwave oven shall be mechanically or manually rotated or stirred during cooking to compensate for uneven heat distribution and shall be heated an additional twenty-five degrees Fahrenheit (25F) to compensate for shorter cooking times and allowed to stand covered for two (2) minutes after cooking to obtain temperature equilibrium (3, preparation, C). (6-30-95)

07. Smoking Of Meat. Smoking of meat shall be done during the cooking process or when afterwards the meat is maintained at a temperature of at least one hundred forty degrees Fahrenheit (140F) (3, preparation, C). (6-30-95)

08. Freezing Fishery Products. Fishery products, other than molluscan shellfish, which are not thoroughly cooked to one hundred forty-five degrees Fahrenheit (145F) or above and which are intended for raw, marinated or partially cooked consumption shall have been or shall, before sale or service in ready-to-eat form, be blast frozen at minus thirty-one degrees Fahrenheit (-31F) or below throughout for fifteen (15) hours or conventionally frozen to minus four degrees Fahrenheit (-4F) or below for one hundred sixty-eight (168) hours (seven (7) days) (3, preparation, C). (6-30-95)

09. Records For Freezing Fishery Products. If raw, marinated or partially cooked fishery products other than molluscan shellfish are served or sold in ready-to-eat form, the person in charge shall record the freezing temperature and time to which the fish are subjected and shall retain the records at the food establishment for ninety (90) days beyond the time of service or sale of the fish; except if the fishery products are frozen by a supplier, a written agreement or statement from the supplier stipulating that the fishery products supplied or frozen to a temperature and for a time specified under Subsection 300.08 such an agreement or statement will satisfy the requirements of this subsection (3, preparation, C). (6-30-95)

10. Consumer Exemption. Upon the request of a consumer(s), animal products which have not been cooked or prepared in compliance with Section 300 may be served to the consumer(s) making such a request. (6-30-95)

11. Reheating Potentially Hazardous Food. Potentially hazardous food that has been cooked, cooled, and reheated for hot holding shall be reheated so all parts of the food reach one hundred sixty-five degrees Fahrenheit (165F) for fifteen (15) seconds within two (2) hours, (3, preparation, C), except that: (6-30-95)

a. Whole or remaining unsliced portions of rare beef roasts may be reheated to one hundred thirty degrees Fahrenheit (130F) for hot holding (3, preparation, C); and (6-30-95)

b. Food reheated in a microwave oven shall be covered; rotated or stirred during reheating or according to label instructions during heating to a temperature of at least one hundred ninety degrees Fahrenheit (190F) and allowed to stand covered for two (2) minutes after reheating (3, preparation, C); and (6-30-95)

c. For hot holding, ready-to-eat food taken from a commercially processed, hermetically sealed container, or from an intact package from a regulated food processing plant, shall be heated to a temperature of at least one hundred forty degrees Fahrenheit (140F). (6-30-95)

301. -- 319. (RESERVED).

320. LIMITATION OF GROWTH OF ORGANISMS OF PUBLIC HEALTH CONCERN IN FOOD. Growth of organisms of public health concern shall be limited by controlling food temperature during thawing, holding, preparation, cooling, transportation and timing. (6-30-95)

01. Slacking. Frozen potentially hazardous food that is slacked to moderate the temperature shall be held under refrigeration that maintains the food temperature at forty-five degrees Fahrenheit (45F) or below; or at any temperature if the food remains frozen. (6, slacked, N) (6-30-95)

02. Thawing. Potentially hazardous food shall be thawed: (6-30-95)

a. Under refrigeration at a temperature not to exceed forty-five degrees Fahrenheit (45F) (6, thawed, N); or (6-30-95)

b. Under potable running water at a temperature of seventy degrees Fahrenheit (70F) or below with sufficient water velocity to agitate and float off loose particles in an overflow and for a period of time not to exceed that needed to thaw the product (6, thawed, N), provided that the period of time does not allowed thawed ready-to-eat food to rise above forty-five degrees Fahrenheit (45F) (6, thawed, N); or (6-30-95)

c. As part of a continuous cooking process using a microwave oven, a conventional cooking unit or a combination of cooking equipment (6, thawed, N); or (6-30-95)

d. In a manner approved by the regulatory authority (6, thawed, N). (6-30-95)

03. Holding. Potentially hazardous foods shall be maintained at one hundred forty degrees Fahrenheit (140F) or above or forty-five degrees Fahrenheit (45F) or below (3, maintained, C); except that: (6-30-95)

a. Foods during necessary periods of preparation, cooking or cooling are exempt from this requirement when in compliance with other provisions of Section 300, et seq.; (6-30-95)

b. Frozen food shall be in accordance with Subsection 320.05; (6-30-95)

c. Live fishery products are exempt from this requirement when properly handled; and (6-30-95)

d. Synthetic custards, cream fillings, nondairy creaming, whitening or whipping agents and similar products are exempt from this requirement when: (6-30-95)

i. Synthetic foods or foods containing synthetic products are in accordance with Subsection 320.08; or (6-30-95)

ii. Synthetic products not requiring refrigeration are so labeled; or (6-30-95)

iii. Scientific evidence is on file with the regulatory authority demonstrating that the specific product will not support the growth of pathogenic organisms. (6-30-95)

04. Ready-To-Eat Potentially Hazardous Food. Ready-to-eat potentially hazardous food shall comply with the following requirements: (6-30-95)

a. Refrigerated, ready-to-eat potentially hazardous food prepared and held for more than twenty-four (24) hours in a food establishment shall be marked with the date of preparation and discarded if not sold or served within seven (7) calendar days (2, labeled, N; 1, sound/adulteration/spoilage, C); (6-30-95)

b. Except for cured meats, aged cheese and individual meal portions served or repackaged for sale from a bulk container upon a consumer's request, a container of refrigerated, ready-to-eat, potentially hazardous food prepared and packaged by another food establishment shall comply with the following requirements: (6-30-95)

i. The food shall be marked, either by the manufacturer or packer of the food or by the receiving food establishment according to the recommendation of the manufacturer or packer, to indicate the date by which the food shall be sold or served (2, labeled, N); and (6-30-95)

ii. The food shall be discarded if not sold or served within seven (7) calendar days after the original package is opened or by the manufacturer's "sell by" or "use by" date, whichever occurs first (1, sound/adulteration/ spoilage, C); and (6-30-95)

c. Refrigerated, ready-to-eat, potentially hazardous food in vending machines which the automatic shut-off control has been activated shall be discarded (1, adulterated, C). (6-30-95)

05. Cooling. Potentially hazardous food shall be cooled as follows: (6-30-95)

a. From any temperature below one hundred forty degrees Fahrenheit (140F) to seventy degrees Fahrenheit (70F) within two (2) hours and from seventy degrees Fahrenheit (70F) to forty-five degrees Fahrenheit (45F) or below within four (4) hours, (1, adulteration, C); except that potentially hazardous food prepared at ambient temperature shall be cooled to forty-five degrees Fahrenheit (45F) or below within four (4) hours (1, adulteration, C); (6-30-95)

b. Shall be cooled, as appropriate to the food, by placing the food in shallow pans, by breaking the food down into smaller or thinner portions, by using rapid chilling equipment, by stirring the food in a container placed in an ice water bath, by using containers that facilitate heat transfer, by adding ice as an ingredient or by other methods approved by the regulatory authority which will result in compliance with Subsection 320.05.a. (3, storage, C); (6-30-95)

c. Food containers in which food is being cooled shall be: (6-30-95)

i. Arranged in the refrigeration unit to provide for maximum heat transfer through the container wall (3, storage, C); and (6-30-95)

ii. Loosely covered or uncovered if protected from overhead contamination during the cooling period only, so as not to restrict air flow to the surface of the food (3, storage, C); and (6-30-95)

d. Shell eggs received in compliance with laws regulating their shipment from the supplier shall be stored at forty-five degrees Fahrenheit (45F) or below. (6-30-95)

06. Freezing. Frozen foods shall be stored, held and displayed in a frozen state in such a manner to preclude thawing (3, storage/display, C). (6-30-95)

07. Transportation. Potentially hazardous food shall be transported at one hundred forty degrees Fahrenheit (140F) or above or forty-five (45F) or below and frozen food shall be transported in a frozen state, except where exempted by Subsection 320.08 (3, transportation, C). (6-30-95)

08. Timing. During preparation, holding for service and transportation for service, when time is used as a public health control in lieu of temperature, the combined elapsed time which potentially hazardous foods are between one hundred forty degrees Fahrenheit (140F) and forty-five (45F) shall not exceed four (4) hours (1, adulteration, C), provided the following conditions are met: (6-30-95)

a. The food or their containers or packages, at the time the food is removed from temperature control, shall be marked or otherwise positively identified with the time that the food shall be served, delivered or discarded; and (6-30-95)

b. Food in unmarked containers or otherwise unidentified or for which the time has expired shall be discarded. (6-30-95)

c. Written procedures that assure compliance with Subsection 320.08 shall be maintained in the establishment and made available to the regulatory authority upon request for inspection. (6-30-95)

09. Facilities. Sufficient temperature controlling equipment or effectively insulated units shall be provided in such number and capacity to ensure proper food temperatures at all times (4, facilities, C). (6-30-95)

321. -- 399. (RESERVED).

400. EMPLOYEE RESPONSIBILITY, KNOWLEDGE, HEALTH AND HYGIENE.
All employees shall have a knowledge of food sanitation practices pertinent to their assigned duties in order to prevent contamination of food and to promote sanitary conditions and shall comply with the standards identified in these rules for health, personal cleanliness and hygienic practices. (6-30-95)

01. Responsibility. Responsibility for assuring that employees comply with the requirements of these rules shall be clearly assigned to the license holder. (6-30-95)

02. Employees Trained. Each food establishment shall have the following employees trained in food safety and sanitation according to Section 930: (6-30-95)

a. At least one (1) on-site supervisory employee who is over food preparation and food service. (11, trained, N); and (6-30-95)

b. Every food worker according to the food workers responsibilities (11, trained, N). The license holder shall be in compliance with this requirement one (1) year after the effective date of these rules. (6-30-95)

03. Health. No person who has a disease which can be transmitted by or through food shall work in a food establishment. No person who is a carrier of organisms that cause such diseases, or is afflicted with a boil, infected wound or active tuberculosis infection shall work in a food establishment where there is a likelihood that the person will contaminate other persons, food, clean equipment, utensils, linens, unwrapped single-service articles, and unwrapped single-use articles with pathogenic organisms. These diseases and conditions include, but are not limited to, the following: amebiasis, campylocbacteriosis, cholera, diarrhea (until common communicable causes have been ruled out), diphtheria, E. coli 0157:H7, giardiasis, hepatitis A and type unspecified, salmonellosis (including typhoid fever), shigellosis, staphylococcal skin disease, streptococcal skin disease, taeniasis (pork tapeworm), and vomiting (until noninfectious cause is identified) (11, restricted, C). (6-30-95)

04. Notification Of Illness. Whenever an employee has reason to suspect that he or she has a disease that is listed in Subsection 400.03, he or she shall immediately notify the license holder or person in charge of the food establishment of such disease; and in accordance with Idaho Department of Health and Welfare Rules, IDAPA 16, Title 2, Chapter 10, "Idaho Reportable Diseases," incorporated in these rules under Section 997, when the license holder or person in charge of a food establishment has been notified by an employee that he or she has such a disease that is listed in Subsection 400.03 or should the license holder or person in charge of a food establishment have reason to suspect that any employee has a disease that is listed in Subsection 400.03, or is a carrier of a disease in a communicable form or suspects a foodborne illness outbreak, he or she shall immediately notify the regulatory authority and obtain guidance on the proper actions needed to protect the public health (11, notification, C). (6-30-95)

05. Employees With Discharges From The Eyes, Nose And Mouth. Employees experiencing persistent sneezing, coughing, or a runny nose that causes discharges from the eyes, nose or mouth may not work with exposed food; clean equipment, utensils, and linens; or unwrapped single-service or single-use articles (11, restricted, C). (6-30-95)

06. Personal Cleanliness. All employees working in direct contact with food; clean equipment, utensils, and linens; or unwrapped single-service or single-use articles shall: (6-30-95)

a. Keep their hands and exposed portions of their arms clean (12, clean, C); (6-30-95)

b. Wear only clean outer clothing suitable to the operation and in a manner that protects against the contamination of food and food contact surfaces; provided that when the employee moves from a raw food operation to a ready-to-eat food operation, the employee shall wear a clean outer covering over clothing or change to clean

clothing if the clothing is soiled (13, clean, N); (6-30-95)

c. Not wear jewelry and other objects in such a manner that it could contaminate or become incorporated in the food or contaminate food contact surfaces (13, restricted, N); (6-30-95)

d. Keep their fingernails trimmed (12, practices, N); (6-30-95)

e. When soiled, thoroughly wash their hands, with particular attention to the areas underneath the fingernails and between the fingers, and exposed portions of their arms with a cleaning compound and warm water by vigorously rubbing together the surfaces of their lathered hands and arms for at least twenty (20) seconds and thoroughly rinsing with clean water (12, washed, C): (6-30-95)

i. After using the toilet, contacting body fluids and discharges, or handling waste containing fecal waste, body fluids or body discharges, and before beginning or returning to work (12, washed, C); (6-30-95)

ii. Before handling food, clean equipment and utensils, and unwrapped single-service and single-use articles (12, washed, C); (6-30-95)

iii. After eating; drinking; using tobacco; coughing; sneezing; using a handkerchief or disposable tissue; touching the mouth, nose, hair and other human body parts other than clean hands and clean, exposed portions of arms; handling soiled equipment and utensils (12, washed, C); (6-30-95)

iv. During food preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks (12, washed, C); (6-30-95)

v. When switching between working with raw foods and working with ready-to-eat foods (12, washed, C); and (6-30-95)

vi. At any other time during the work hours to keep hands and exposed portions of arms clean (12, washed, C). (6-30-95)

f. When using hand sanitizers and dips, their use is to supplement, not replace, proper handwashing and shall comply with the following (12, washed, N): (6-30-95)

i. Solutions and solution strength used are accepted as hand sanitizers or dips in accordance with 21 CFR 178.1010, 21 CFR 182, and 21 CFR 184, incorporated in these rules under Section 997 (41, use/concentration, C); (6-30-95)

ii. Be applied only to hands that are cleaned as specified in Subsection 400.06.e. (12, washed, C); and (6-30-95)

iii. A chemical hand sanitizing solution used as a hand dip shall be maintained clean and at a strength of not less than the equivalent of one hundred (100) mg/L chlorine or more than two hundred (200) mg/L chlorine (19, clean, N; 20, concentration, C; 41, concentration C). (6-30-95)

07. Hygienic Practices. All employees working in direct contact with food and food-contact surfaces, food service and equipment and utensil washing operations shall practice good hygienic practices by: (6-30-95)

a. Refraining from touching the mouth, picking the nose, touching the hair, unprotecting coughs and sneezes, spitting, scratching and other unhygienic practices while engaged in food preparation activities; food equipment and utensil washing; during the handling of clean equipment, utensils, and linens; and unwrapped single-service and single-use articles and other operations that could expose food and food-contact surfaces to contamination (12, practices, N); (6-30-95)

b. Using effective hair restraints where appropriate to prevent the contamination of food, clean equipment, utensils, and linens; and unwrapped single-service and single-use articles; except this subsection does not apply to service employees such as counter staff, hostesses and wait staff if they present a minimal risk of

contaminating exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles (13, restraints, N); (6-30-95)

c. Not eating food, drinking or using tobacco in any form except in appropriately designated areas and as approved by the regulatory authority (12, practices, N); (6-30-95)

d. Not washing hands in sinks designated for food preparation or equipment and utensil washing (12, practices, C); (6-30-95)

e. Not drying hands on a common towel, apron or clothing (12, practices, C); (6-30-95)

f. Refraining from other poor hygienic practices that could result in the contamination of food; clean equipment, utensils; and linens; and unwrapped single-service and single-use articles (12, practices, C). (6-30-95)

401. -- 499. (RESERVED).

500. EQUIPMENT AND UTENSIL STANDARDS.
Equipment and utensils used in food establishments shall be designed and fabricated to equal or exceed NSF requirements, incorporated in these rules under Section 997, shall not impart odors, color or taste or contribute to contamination of food, shall be properly located and installed and shall be easily cleanable (14, safe, C; 14, designed/constructed, N; 15, designed/constructed, N). (6-30-95)

01. Single-Use And Single-Service Articles. All single- use and single-service articles shall comply with the following requirements: (6-30-95)

a. Be fabricated from safe and clean materials (14, safe/constructed, N-C); (6-30-95)

b. Wood may be used for single-service articles such as chopsticks, stirrers or ice cream spoons (14, constructed, N); (6-30-95)

c. Single-service articles shall be clean to the sight and touch (22, clean, N); (6-30-95)

d. Single-service articles shall not be reused (26, reuse, N), except: (6-30-95)

i. As allowed by Subsections 200.06.k. through 200.06.n.; and (6-30-95)

ii. Individually packaged single-service articles which have not been opened and free of contamination may be reused; (6-30-95)

e. Single-use articles shall not be reused (14, constructed, N), except that: (6-30-95)

i. They were manufactured with the intent of being used as a multi-use food container; (6-30-95)

ii. They are in good repair (14, maintained, N); and (6-30-95)

iii. They meet the requirements of Subsection 500.01.a. (14, constructed, N); (6-30-95)

f. Single-use gloves shall not be reused (14, constructed, N); and (6-30-95)

g. Mollusk and crustacea shells shall not be reused (14, constructed, N); and (6-30-95)

02. Food-Contact Surfaces Of Multi-Use Equipment And Utensils. Food-contact surfaces of multi-use equipment and utensils shall comply with the following requirements: (6-30-95)

a. Only materials that, under normal use conditions, are safe; durable; corrosion resistant; nonabsorbent; of sufficient weight and thickness to permit cleaning and sanitizing by normal ware washing methods; finished to have a smooth, easily cleanable surface; and are resistant to pitting, chipping, crazing, scratching, scoring,

distortion and decomposition shall be used in the construction of equipment and utensils (14, safe/constructed, N-C); (6-30-95)

b. Wood and wicker shall not be used as food-contact surfaces (14, constructed, N), except that: (6-30-95)

i. Hard maple or an equivalent nonabsorbent wood may be used for cutting boards, cutting blocks, bakers' tables, pizza paddles, rolling pins and wooden paddles used exclusively in confectionery operations for pressure scraping kettles when manually preparing confections at a process temperature of two hundred thirty degrees Fahrenheit (230F) or above; and (6-30-95)

ii. Wood may contact uncut raw fruits, raw vegetables and nuts in the shell; (6-30-95)

c. Pewter ware and enamelware shall not be used for food-contact surfaces (14, constructed, C); (6-30-95)

d. Galvanized metal shall not be used for food-contact equipment or utensils (14, constructed, N-C), except that: (6-30-95)

i. Galvanized metal may be used for equipment and utensils which contact dry nonhygroscopic food; and (6-30-95)

ii. Galvanized metal may be used for equipment and utensils which contact only fresh, whole, uncut vegetables and fruits; (6-30-95)

e. Cast iron shall not be used for food-contact surfaces of equipment or utensils (14, constructed, N), except that: (6-30-95)

i. Cast iron may be used as a surface for cooking; and (6-30-95)

ii. Cast iron may be used in utensils for serving food if the utensils are only used as part of an uninterrupted process from cooking through service; (6-30-95)

f. Copper and copper alloys shall not be used for acid foods or for fittings or tubing downstream from either a check valve or a backflow prevention device exposed to carbon dioxide (CO2) (14, constructed, C); (6-30-95)

g. Solder shall be composed of safe, corrosion-resistant material, formulated to be nontoxic during use (14, safe/constructed, C); (6-30-95)

h. Paint shall not be used as a food-contact surface (14, constructed, N); (6-30-95)

i. Linens, napkins, cloths and cloth gloves shall not be used as food-contact surfaces (14, constructed, N), except that: (6-30-95)

i. Linens, napkins and cloths may be used in contact with dough, bread and rolls; (6-30-95)

ii. Linens, napkins and cloths may be used in contact with vegetables; and (6-30-95)

iii. Cloth gloves may be used in contact with food that is subsequently cooked. (6-30-95)

j. Lubricants for bearings and gears on or within food- contact surfaces shall meet the requirements of 21 CFR 178.3570, incorporated in these rules under Section 997; (6-30-95)

k. Ceramic, china, crystal utensils and decorative utensils that are used in contact with food shall be

lead-free or contain levels of lead not exceeding the limits of the following utensil categories (14, constructed, N):

Utensil Category	Description	Maximum Lead (mg/L)
Hot Beverage Cups or Mugs	Coffee Cups or Mugs	0.5
Large Hollowware	Bowls greater than 1.16 quarts	1.0
Small Hollowware	Bowls less than 1.16 quarts	2.0
Flat Utensils	Plates, Saucers	3.0

(6-30-95)

03. Cleanability Of Food-Contact Surfaces Of Multi-Use Equipment And Utensils. Food-contact surfaces of multi-use equipment and utensils shall meet the following requirements for cleanability: (6-30-95)

a. Smooth (14, constructed, N); (6-30-95)

b. Free of breaks, open seams, cracks, chips, pits and similar imperfections (14, constructed, N); (6-30-95)

c. Free of sharp internal angles, corners and crevices(14, designed, N); (6-30-95)

d. Finished to have smooth welds and joints (14, constructed, N); (6-30-95)

e. Accessible for cleaning and inspection without being disassembled, by disassembling without the use of tools or by easy disassembling with the use of only simple tools such as mallets, screwdrivers or wrenches (14, designed, N), except that equipment designed for CIP is exempt from being readily accessible when designed and fabricated so that: (6-30-95)

i. The cleaning and sanitizing solutions circulate throughout a fixed system so that they contact all interior food-contact surfaces (14, designed, N); and (6-30-95)

ii. The system is self-draining or capable of being completely evacuated (14, designed, N); and (6-30-95)

iii. Inspection access points are provided to assure that all interior food-contact surfaces throughout the fixed system are being effectively cleaned (14, designed, N); (6-30-95)

f. Ordinary "v" type threads are prohibited except in hot oil cooking fryers or hot oil filtering systems (14, designed, N); (6-30-95)

g. Cutting or piercing parts of package openers shall be readily removable for cleaning (14, designed, N); and (6-30-95)

h. Water filters or any other water conditioning devices shall be designed to be disassembled for periodic cleaning or replacement of the active element (14, designed, N). (6-30-95)

04. Migration. Food-contact surfaces of multi-use equipment and utensils, single-service articles and single-use articles shall not impart odors, colors or tastes to food (14, constructed, N). (6-30-95)

05. Non-Food Contact Surfaces Of Multi-Use Equipment And Utensils. Non-food contact surfaces of multi-use equipment and utensils shall comply with the following requirements: (6-30-95)

a. Surfaces of equipment including shelves not intended for contact with food, but which are exposed to splash, food debris or otherwise require frequent cleaning, shall be reasonably smooth, washable, designed and

fabricated to be durable and sufficiently strong to resist denting, distortion, decomposition and buckling under normal use conditions (15, constructed, N); (6-30-95)

b. Ventilation hoods and other grease extracting systems or equipment shall be designed to prevent grease or condensation from dripping onto food, equipment, utensils, linens, and single-service and single-use articles, and shall be sufficient in number and capacity to prevent grease or condensation from collecting on walls and ceilings (15, designed/constructed, N); (6-30-95)

c. Kickplates of equipment shall be designed to be easily removable so that areas under the equipment are easily accessible (15, designed, N). (6-30-95)

06. Cleanability Of Non-Food Contact Surfaces Of Multi-Use Equipment And Utensils. Non-food contact surfaces of multi-use equipment and utensils shall meet the following requirements for cleanability: (6-30-95)

a. Non-food contact surfaces shall be nonabsorbent, cleanable and free of unnecessary ledges, projections and crevices (15, design/constructed, N); (6-30-95)

b. Interior non-food contact surfaces of food equipment shall be designed and fabricated to permit easy cleaning and to facilitate maintenance operations (15, designed/constructed, N); (6-30-95)

c. Ventilation hood filters and other grease extracting equipment, if not designated to be CIP, shall be readily accessible for filter replacement and cleaning (15, designed, N); and (6-30-95)

d. Hot oil filtering equipment shall be readily accessible for filter replacement and cleaning of the filter (15, designed, N). (6-30-95)

07. Miscellaneous Equipment Specifications. Equipment and utensils shall meet the following specifications where applicable: (6-30-95)

a. On-site constructed equipment shall be designed and constructed to meet the requirements of Section 500 where applicable and equal or exceed the NSF requirements, incorporated in these rules under Section 997, (14, safe, C; 14, designed/constructed, N; 15, designed/constructed, N); (6-30-95)

b. Food equipment compartments which are subject to condensation or cooling water retention shall be self-draining or equipped with a drain or outlet which permits complete draining (14, designed N; 15, designed, N); (6-30-95)

c. The delivery tube or chute and orifice of bulk food equipment shall be protected from manual contact, dust, insects, rodents, condensation and other contamination as applicable to the location of the equipment, nature of the food and dispensing method (14, designed, N); (6-30-95)

d. Product modules for consumer access to bulk foods shall be no deeper that eighteen (18) inches (8, protection, N); (6-30-95)

e. Shellfish life support system shall be constructed to be easily cleanable and accessible for cleaning and inspection, to be self-draining and equipped with ultraviolet sterilizing light with a minimum dosage of eight thousand (8,000) microwatts second/ cm. Operation shall be in accordance with Subsection 500.15.j. (15, designed/ constructed, N); (6-30-95)

f. Crustacean and fish life support system shall be constructed to be easily cleanable and accessible for cleaning and inspection, to be self-draining and equipped with an effective filtering system (15, designed/ constructed, N); (6-30-95)

g. When a condensing unit is constructed as an integral component of food equipment, it shall be constructed in such a manner to be easily cleanable and preclude the contamination of food, equipment, utensils, linens, and single-service and single-use articles (14, designed/constructed, N; 15, designed/ constructed, N);

(6-30-95)

h. Beverage or beverage ingredient tubing which is in contact with stored ice shall be properly constructed and installed to preclude condensation from entering the ice machine or ice storage bin (14, constructed, N); (6-30-95)

i. Drains from dispensing units shall not pass through the ice machine or ice storage bin (14, designed, N); (6-30-95)

j. Equipment containing bearings and gears that require lubricants not made of safe materials shall be designed and fabricated so that the lubricant cannot leak, drip or be forced into food, equipment, utensils, linens, and single-service and single-use articles (14, designed/constructed, N; 15, designed/ constructed, N); and (6-30-95)

k. Dollies, skids, racks and open-ended pallets shall be capable of being moved by hand or by pallet moving equipment (15, designed, N). (6-30-95)

08. Domestic Use Equipment. Equipment manufactured specifically for domestic use (home-type) shall not be considered approved equipment (14, designed/constructed, N; 15, designed/ constructed, N), except as allowed by the regulatory authority under special circumstances, upon satisfactory compliance with Section 900. (6-30-95)

09. Manual Warewashing Equipment. Manual warewashing equipment shall meet the following requirements: (6-30-95)

a. For manual warewashing, a sink with not fewer than three (3) integrally manufactured compartments shall be provided for washing, rinsing and sanitizing of equipment and utensils, (16, provided/ designed, N) except that: (6-30-95)

i. The regulatory authority may authorize, in addition to or in lieu of, alternative warewashing equipment where there are special cleaning needs or constraints (16, designed, N). Alternative cleaning equipment might involve, but not be limited to, the application of high pressure sprayers, line pressure foamers or other task specific cleaning equipment; (6-30-95)

ii. Alternative warewashing equipment for equipment and utensils used with potentially hazardous food shall provide all three (3) steps of the warewashing process: application of cleaners and soil removal; removal of any abrasives and removal or dilution of cleaning chemicals; and sanitization (16, designed, N); (6-30-95)

iii. Single compartment facilities for rinsing refillable/returnable take-home beverage containers shall be provided as part of the dispensing operation. The facilities shall be separate from handwashing facilities (16, provided/designed N); (6-30-95)

iv. A two (2) compartment sink may be used for manually washing, rinsing, and sanitizing when items to be cleaned and sanitized are restricted to a few utensils at the end of a shift; provided that the two (2) compartment sink shall not be used for a continuous or intermittent flow of kitchenware or tableware in an ongoing warewashing process (16, provided/designed/use, N); and (6-30-95)

v. Special manual warewashing facilities may be allowed by the regulatory authority upon satisfactory compliance with Section 900. (6-30-95)

b. Warewashing sink compartments shall be large enough to permit the complete immersion of most equipment and utensils (16, designed, N) and if equipment or utensils are too large for complete immersion, a warewashing machine or alternative equipment as specified in Subsection 500.09.a.i. shall be used; (6-30-95)

c. When hot water is used for sanitization, the sink sanitization compartment shall be equipped with an integral heating device or fixture which is capable of maintaining water at one hundred seventy degrees Fahrenheit (170F) or hotter (16, installed/ maintained, N); (6-30-95)

d. Hot and cold running water shall be supplied for each sink compartment (27, hot/cold, C); (6-30-95)

e. When manually sanitizing in hot water, there shall be a rack or basket provided so that the equipment and utensils can be completely immersed (16, operated, N). Hooks, tongs and gloves may be used where appropriate (16, operated, N); (6-30-95)

f. Drainboards, racks or dish tables, either stationary or easily movable, shall be provided in sufficient number and size for the handling of utensils before cleaning and after sanitizing (16, provided/designed, N); and (6-30-95)

g. Sinks and drainboards shall be self-draining (16, designed, N). (6-30-95)

10. Mechanical Warewashing Equipment. Mechanical warewashing equipment (warewasher) shall meet the following requirements: (6-30-95)

a. Warewasher shall be installed according to the manufacturer's instructions (16, installed, N); (6-30-95)

b. Warewasher shall be plumbed in accordance with Subsection 600.02.c. and 600.02.d.; (6-30-95)

c. To permit checking the flow pressure of the mechanical warewasher final rinse water, a one-quarter (1/4) inch IPS valve shall be provided immediately upstream from the final rinse control valve (17, gauge cock, N), except this subsection does not apply to a machine that uses only a pumped sanitizing rinse; (6-30-95)

d. Warewasher rinse water tanks shall be properly equipped with baffles, curtains or other means to minimize the entry of wash water into the rinse water (16, installed/maintained, N); (6-30-95)

e. Drainboards, racks or dish tables, either stationary or easily movable, shall be provided in sufficient number and size for the handling of utensils before cleaning and after sanitizing (16, provided/designed, N); (6-30-95)

f. Drainboards shall be self-draining in such a manner to preclude gross food particles and soil from entering warewasher during scraping and flushing (16, designed, N); (6-30-95)

g. Automatic dispensers and injectors for detergents, wetting agents and sanitizers on mechanical warewashing equipment shall be installed, operated and maintained according to the manufacturer's instructions (16, installed/operated/maintained, N); (6-30-95)

h. Warewasher designed for hot water sanitization may be converted to chemical sanitization when the conversion is done according to manufacturers' instructions; and (6-30-95)

i. Warewasher machines shall be provided with an easily accessible and readable data plate affixed to the machine that indicates the machine's design and following operating specifications (16, installed, N): (6-30-95)

i. Temperature required for washing, rinsing, and sanitizing; (6-30-95)

ii. Pressure required for the fresh water sanitizing rinse unless the machine is designed to use only a pumped sanitizing rinse; and (6-30-95)

iii. Conveyor speed for conveyor machines or cycle time for stationary rack machines. (6-30-95)

11. Food Preparation Sinks. Food preparation sinks shall be provided as applicable, shall be adequate in number and size as appropriate for food preparation operations and shall be plumbed in accordance with Subsections 600.02.c. and 600.02.d. (16, provided/ design, N); except that should an existing warewashing sink be permitted by the regulatory authority to be used to wash produce or thaw food, the sink shall be considered a food-contact surface and shall be cleaned and sanitized as specified under Subsection 520.02.f. before and after each time

it is used to wash such produce or thaw food (22, clean/free, C; 20, sanitized, C). (6-30-95)

12. **Thermometers**. Thermometers shall be provided and meet the following requirements: (6-30-95)

a. Product thermometers shall be provided and used to ensure attainment and maintenance of proper internal food temperatures (5, provided/used, N); (6-30-95)

b. Product thermometers and thermometer probes shall be adequate in number, be of metal or plastic stem type construction, except candy thermometers may have a glass stem when it is encased in a shatterproof coating, be numerically scaled and accurate to plus/minus two degrees Fahrenheit (-2F), and shall be located adjacent to operations requiring frequent temperature monitoring (5, number/located, N; 14, constructed, N); (6-30-95)

c. Nonproduct thermometers shall be numerically scaled, easily readable and accurate to plus/minus three degrees Fahrenheit (-3F) at the critical use range (5, accurate, N; 17, accurate, N). Zone and liquid crystal type thermometers are not acceptable (5, designed, N); (6-30-95)

d. Equipment such as walk-in or enclosed refrigeration units, enclosed hot food storage units, vending machines and open mechanically refrigerated retail display cases used for potentially hazardous food shall be designed to include one or more securely attached or built-in thermometers (5, designed, N), except that: (6-30-95)

i. Equipment such as bain maries, steam tables, heat lamps, calrod units, salad bars, cold plates and insulated food transport carriers shall be exempt from this requirement provided that Subsection 500.12.a. is complied with; and (6-30-95)

ii. Equipment installed prior to the effective date of these rules may continue the use of nonattached or nonbuilt-in thermometers; (6-30-95)

e. In a refrigerated or hot food storage unit, the thermometer or temperature sensing device shall be located to measure the air temperature in the unit at a location that is representative of the temperature in the unit (5, located, N); (6-30-95)

f. The thermometer scale of product and nonproduct thermometers shall be located where it can be easily read (5, conspicuous, N); (6-30-95)

g. In manual warewashing operations, a thermometer or pyrometer shall be provided and kept adjacent to the sink for frequently measuring the temperature of the hot water or chemical solution (17, provided/used, N); (6-30-95)

h. Warewashing machine or water line mounted, numerically scaled indicating thermometers shall be provided in each tank to indicate the water temperature in each tank or as it enters the manifold (17, provided/designed, N); (6-30-95)

13. **Test Kits**. Test kits or other devices and methods that measure and determine concentration in ppm and hydrogen ion (pH) concentration of sanitizing solutions shall be provided, be adequate in number and used (17, provided/used, N). Test kits shall be located adjacent to the warewashing operation (17, located, N). (6-30-95)

14. **Laundering Equipment**. If work clothes, uniforms, aprons, wiping cloths or linens are laundered on the premises, an automatic washer and an electric or gas clothes dryer shall be provided and used except air drying of such articles may be permitted when done in accordance with Section 580 (43, provided/used, N). Laundering operations shall be in accordance with Section 580. (6-30-95)

15. **Location, Installation And Maintenance Of Equipment**. Equipment and utensils used in food establishments shall be located, installed and maintained in compliance with the following requirements: (6-30-95)

a. Food equipment and utensils shall not be located under exposed, unshielded sewer lines; water lines that are leaking; water lines on which condensed water may accumulate; open stairwells or other sources of contamination; except that food equipment and utensils may be located under automatic fire protection sprinkler

heads that may be required by law and are not leaking (14, located, N; 15, located, N); (6-30-95)

b. Equipment shall be located so that aisles, working spaces between pieces of equipment and working spaces between equipment and walls are unobstructed and sufficient to permit employees to perform their duties without contaminating food and food-contact surfaces (14, located, N; 15, located, N); (6-30-95)

c. Table-mounted equipment shall be installed as follows: (6-30-95)

i. Table-mounted equipment shall be installed to permit cleaning of the equipment and adjacent areas (15, installed, N); and (6-30-95)

ii. Table-mounted equipment, unless portable, shall be sealed to the table or elevated on legs that provide at least a four (4) inch clearance between the table and the equipment, except that if no part of the table under the table-mounted equipment is more than eighteen (18) inches from cleaning access, the clearance space may be only three (3) inches. If no part of the table under the table-mounted equipment is more than three (3) inches from cleaning access, the clearance space may be only two (2) inches, (15, installed, N); (6-30-95)

d. Floor-mounted equipment, unless easily movable, shall be sealed to the floor or elevated on legs that provide at least a six (6) inch clearance between the floor and the equipment (15, installed, N), except that: (6-30-95)

i. If no part of the floor under the floor-mounted equipment is more than six (6) inches from cleaning access, the clearance space may be only four (4) inches, and (6-30-95)

ii. Display shelving units, display refrigeration units, and display freezer units are exempt from this requirement if they are installed so that the floor beneath the units can be cleaned. (6-30-95)

e. Unless there is space that will permit employee access for cleaning along side, behind and above a unit of fixed equipment, the space between it and adjoining equipment, walls and ceilings shall be not more than one-thirty-seconds (1/32) inch (0.8 mm) or sealed if exposed to seepage (15, installed, N); (6-30-95)

f. Equipment and utensils shall be maintained in a state of good repair or condition that complies with the requirements of Subsection 500.02 through 500.14 or discarded (14, maintained, N; 15, maintained, N); (6-30-95)

g. Microwave ovens shall be in compliance with the applicable safety standards contained in 21 CFR 1030, incorporated in these rules under Section 997; (6-30-95)

h. Cutting surfaces subject to scratching and scoring shall be either resurfaced when they can no longer be effectively cleaned and sanitized or discarded if they are not capable of being resurfaced (14, maintained, N); (6-30-95)

i. Equipment components such as doors, seals, hinges and fasteners shall be kept intact, tight and adjusted in accordance with manufacturers' specifications (14, maintained, N; 15, maintained, N); (6-30-95)

j. Shellfish life support system shall be maintained as follows: (6-30-95)

i. Maintain replacement ultraviolet sterilizing light at all times (15, maintained, N); (6-30-95)

ii. Clean system at such frequency to prevent contamination of the tank, tank equipment and water (23, clean, N); (6-30-95)

iii. Keep log record on ultraviolet light (cleaning and replacement) and equipment cleaning frequency until inspected by the regulatory authority (15, record, N); (6-30-95)

iv. Cull out dead shellfish as necessary (1, sound, N); (6-30-95)

v. Separate different lots of shellfish and keep log record to assure source records of shellfish lots (2, labeling, N); (6-30-95)

vi. Do not place other animal species with shellfish (7, cross-contamination, C); and (6-30-95)

vii. Prohibit consumer self-service (8, dispensing, N); and (6-30-95)

k. A properly constructed food dispensing utensil shall be available for each container displayed at a consumer self-service unit such as a buffet or salad bar (14, constructed/ provided, N). (6-30-95)

16. Use Of Existing Equipment And Utensils. Equipment or utensils installed or used in a food establishment prior to the effective date of these rules that fail to fully meet all of the requirements of Section 500, and which has been previously accepted by the regulatory authority will be determined to be acceptable only when in compliance with the following: (6-30-95)

a. If they are in good repair, capable of being maintained in a sanitary condition, capable of being properly cleaned and food-contact surfaces are safe (14, safe, C; 14, constructed/maintained, N; 15, constructed/ maintained, N); and (6-30-95)

b. When any equipment is replaced, it shall equal or exceed NFS requirements, incorporated in these rules under Section 997, and meet the requirements established in these rules (14, designed/ constructed, N; 15, designed/constructed, N). (6-30-95)

501. -- 519. (RESERVED).

520. CLEANING AND SANITIZATION OF EQUIPMENT AND UTENSILS.
Multi-use equipment and utensils used in food establishments shall be cleaned and sanitized by methods and at frequencies which will prevent contamination of food and food-contact surfaces (22, clean/free, C; 20, sanitized, C). (6-30-95)

01. Characteristics Of Clean Equipment And Utensils. The characteristics of clean equipment and utensils are as follows: (6-30-95)

a. Utensils and food-contact surfaces of equipment shall be clean to the sight and touch and shall be sanitized (22, clean/ free, C; 20, sanitized, C); and (6-30-95)

b. The food-contact surfaces of cooking equipment shall be kept free of encrusted grease deposits and other accumulated soil (22, clean/free, N). (6-30-95)

02. Frequency Of Cleaning For Food-Contact Surfaces. Food-contact surfaces of equipment and utensils shall be cleaned at the following frequencies: (6-30-95)

a. Utensils and food-contact surfaces of equipment used in production-line processing or continuous operations shall be cleaned and sanitized (22, clean/free, C; 20, sanitized, C): (6-30-95)

i. Each time there is a change in processing between types of animal products except when products are handled in the following order: any cooked ready-to-eat meat products, first; beef and lamb, second; fish, third; and pork or poultry, last; (6-30-95)

ii. Each time there is a change from raw to ready-to-eat foods; (6-30-95)

iii. After any substantial interruption of operations in which contamination may have occurred; (6-30-95)

iv. Throughout the day at intervals necessitated by food temperature, type of food and food particle accumulation; and (6-30-95)

v. After final use each working day. (6-30-95)

b. Utensils and food-contact surfaces of equipment used in noncontinuous food operations shall be cleaned and sanitized (22, clean/free, C; 20, sanitized, C): (6-30-95)

i. After each use; and (6-30-95)

ii. After a substantial interruption of operations in which contamination may have occurred; (6-30-95)

c. Multi-use tableware shall be cleaned and sanitized after each use (22, clean/free, C; 20, sanitized, C); (6-30-95)

d. The cavities and door seals of microwave ovens shall be cleaned at least once per day using the manufacturer's recommended cleaning procedure (22, clean, N); (6-30-95)

e. The food-contact surfaces of cooking devices shall be cleaned at least once per day except that this shall not apply to hot oil cooking equipment and hot oil filtering systems (22, clean, N); (6-30-95)

f. If used with potentially hazardous food, food-contact surfaces of equipment and utensils shall be cleaned throughout the day at least every four (4) hours (22, clean, C; 20, sanitized, C) except that such food-contact surfaces of equipment and utensils may be cleaned less frequently than every four (4) hours if: (6-30-95)

i. In storage, containers of potentially hazardous food and their contents are maintained at temperatures specified under Section 320 and the containers are cleaned when they are empty; (6-30-95)

ii. Equipment and utensils are used to prepare food in a refrigerated room that maintains the equipment, utensils and food under preparation at temperatures specified under Section 320 and the equipment and utensils are cleaned at least every twenty-four (24) hours; (6-30-95)

iii. Containers in serving situations such as salad bars, delis, and cafeteria lines hold ready-to-eat potentially hazardous food that is maintained at the temperatures specified under Section 320 are intermittently combined with additional supplies of the same food that is at the required temperature, and the containers are cleaned at least every twenty-four (24) hours; or (6-30-95)

iv. An alternate cleaning schedule has been approved by the regulatory authority when based on consideration of characteristics of the equipment and its use, the type of potentially hazardous food involved, the amount of food residue accumulation, and the temperature at which the food is maintained during the operation and the potential for the rapid and progressive multiplication of pathogenic or toxigenic microorganisms that are capable of causing foodborne diseases; and (6-30-95)

g. Utensils and food-contact surfaces of equipment not specified in Subsections 520.02.a. through 520.02.f.iv., shall be cleaned and sanitized at a frequency approved by the regulatory authority based upon the type of food involved and the amount of food particle accumulation or soiling (22, clean/free, C; 20, sanitized, C); (6-30-95)

03. Frequency Of Cleaning For Non-Food Contact Surfaces. Non-food contact surfaces shall be cleaned at the following frequencies: (6-30-95)

a. Non-food contact surfaces of equipment shall be cleaned at a frequency which results in the surfaces being kept free of an accumulation of dust, dirt, food particles and other debris (23, clean, N); (6-30-95)

b. Sinks used for manual cleaning of equipment and utensils shall be cleaned before use (16, operated, N); and (6-30-95)

c. A warewashing machine or device shall be thoroughly cleaned at least once a day to maintain its effectiveness and preclude contamination of items being cleaned (16, maintained, N). (6-30-95)

04. Dry Cleaning Methods. Dry cleaning methods, such as scraping, brushing or vacuuming shall be

used only to remove accumulations of dust or dry food particles from surfaces which contact only dry nonpotentially hazardous food (22, clean, N). Sanitization of those surfaces is not required. Equipment used in dry cleaning methods shall not be used for any other purpose (16, operated, N). (6-30-95)

05. Wet Cleaning Methods. The processes for cleaning, removing gross soil and debris, and methods for wet cleaning shall be as follows: (6-30-95)

a. Cleaning processes. (6-30-95)

i. The cleaning processes selected shall be based on the type and purpose of the utensil or equipment, and on the type of soil to be removed (16, process, N); (6-30-95)

ii. Multi-use tableware, multi-purpose kitchenware and disassembled parts of food contact equipment shall be subjected to the successive steps of washing, rinsing and sanitizing (22, clean/free, C; 20, sanitized, C); and (6-30-95)

iii. The wash, rinse and sanitize solutions shall be maintained clean (19, clean, N); (6-30-95)

b. Removing gross soil and debris. (6-30-95)

i. Gross food debris on equipment and utensils shall be scraped over a waste disposal, scupper or garbage container or shall be removed in a warewashing machine with a prewash cycle (18, scraped/prewash, N); and (6-30-95)

ii. Equipment and utensils shall be presoaked or preflushed when necessary for effective cleaning (18, presoaked/ preflushed, N); (6-30-95)

06. Manual Wet Cleaning Method. Manual wet cleaning method shall be as follows: (6-30-95)

a. The wash compartment of a multi-compartment sink shall contain a washing solution of soap, detergent, acid cleaner, alkaline cleaner, degreaser, urn cleaner, abrasive cleaner or other cleaning agent in accordance with manufacturer's label instructions (19, washing solution, N); and (6-30-95)

b. The washing solution shall be maintained at a temperature of ninety-five degrees Fahrenheit (95F) or above, or as specified on the manufacturer's label (19, temperature, N); (6-30-95)

07. Alternate Manual Wet Cleaning Methods. Alternate manual wet cleaning methods shall be as follows: (6-30-95)

a. When cleaning in sinks or warewashing machines is impractical, such as when the equipment is too large or is fixed, cleaning shall be done by alternate facilities or methods in accordance with the following procedures: (6-30-95)

i. Equipment shall be disassembled as necessary to permit access of the detergent solution to all parts (16, disassembled, N); (6-30-95)

ii. Equipment components shall be scraped or rough cleaned to remove gross food particle accumulation (18, scraped, N); and (6-30-95)

iii. Equipment shall be cleaned using a high pressure detergent spray, a line pressure spray detergent foam or a swabbing/brushing procedure using a detergent solution (22, clean, C; 19, washing solution, N). (6-30-95)

b. Where manual wet cleaning is done in an existing two compartment sink, the wash compartment shall contain a detergent- sanitizer solution in accordance with the manufacturer's label instructions (22, clean, C; 19, washing solution, N). (6-30-95)

08. Mechanical Wet Cleaning Methods. Mechanical wet cleaning methods shall be as follows:

(6-30-95)

a. Warewashing machines and their auxiliary components shall be operated in accordance with the manufacturer's instructions (16, operated, N). (6-30-95)

b. Warewashing machine conveyors shall be accurately timed to assure proper exposure times during wash, rinse and sanitizing cycles (16, operated, N). (6-30-95)

c. Soiled items shall be loaded into racks, trays or baskets or onto conveyors in a position which will expose the items to the unobstructed spray from all cycles and the items shall be left draining (16, operated, N). (6-30-95)

d. The temperature of the wash water in spray-type warewashers shall not be less than: (6-30-95)

i. One hundred sixty-five degrees Fahrenheit (165F) in a single-tank, stationary-rack, single temperature machine (19, temperature, N); (6-30-95)

ii. One hundred sixty degrees Fahrenheit (160F) in a single-tank, conveyor machine (19, temperature, N); (6-30-95)

iii. One hundred fifty degrees Fahrenheit (150F) in a single-tank, stationary-rack, dual temperature machine (19, temperature, N); (6-30-95)

iv. One hundred fifty degrees Fahrenheit (150F) in a multi-tank, conveyor machine (19, temperature, N); (6-30-95)

v. One hundred fifty degrees Fahrenheit (150F) in a single-tank; pot, pan and utensil washer (stationary or moving rack) (19, temperature, N); or (6-30-95)

vi. One hundred twenty degrees Fahrenheit (120F) in a spray-type glass washer. (19, temperature, N). (6-30-95)

09. Rinsing. Washed equipment and utensils shall be rinsed free of detergents and abrasives with potable water or where rinsing is done in an existing two (2) compartment sink, with a detergent-sanitizer in compliance with Subsection 520.11.e. (22, free, N). (6-30-95)

10. Hot Water Sanitization. Equipment and utensils shall be sanitized with hot water as follows: (6-30-95)

a. Manual hot water sanitization shall be accomplished when: (6-30-95)

i. The temperature of the water is maintained at one hundred seventy degrees Fahrenheit (170F) or above (20, temperature, C); (6-30-95)

ii. Equipment and utensils are completely immersed in the hot sanitizing water for at least thirty (30) seconds (20, time, C); and (6-30-95)

iii. Temperature of the hot sanitizing water shall be accurately determined by using a thermometer as required by Subsection 500.12.g. (17, temperature, N). (6-30-95)

b. Mechanical hot water sanitization shall be accomplished when: (6-30-95)

i. The temperature of the final potable water rinse is not less than one hundred eighty degrees Fahrenheit (180F) (20, temperature, C), except that the temperature of the final potable water rinse in a single tank, stationary rack, single temperature machine is not less than one hundred sixty-five degrees Fahrenheit (165F) (20, temperature, C); (6-30-95)

ii. The in-use pressure of the final rinse water in a mechanical system is not less than fifteen (15) nor more than twenty-five (25) pounds per square inch as measured in the water line immediately adjacent to the final rinse control valve (16, maintained, N); (6-30-95)

iii. Hot water cycle shall be automatically timed according to manufacturer's specifications when mechanically sanitizing equipment and utensils (16, operated, N); and (6-30-95)

iv. Sanitizing temperature shall be considered acceptable when a reading of one hundred sixty degrees Fahrenheit (160F) is obtained on a maximum registering thermometer or there is a color change on one hundred sixty degrees Fahrenheit (160F) thermopaper when passed through the rinse cycle. (6-30-95)

11. Chemical Sanitization. Equipment and utensils shall be sanitized with chemicals as follows: (6-30-95)

a. Chemical sanitizers or detergent-sanitizers which are used as sanitizing agents shall be of the type which do not require a rinsing after sanitization (41, type, C); (6-30-95)

b. Chemical sanitizers shall meet the minimum requirements and not exceed maximum concentrations of 21 CFR 178.1010, incorporated in these rules under Section 997, (41, use, C); (6-30-95)

c. Chemical sanitizers shall provide an effective equivalent to a solution containing fifty (50) ppm free available chlorine as a hypochlorite (20, concentration, C); (6-30-95)

d. Chemical sanitizers used in sanitizing solutions for manual or mechanical operations shall be used as follows to provide effective concentrations: (6-30-95)

i. Chlorine solutions shall have at least ten (10) seconds of contact time, provided one (1) of the following combinations of pH, water temperature and concentration of free available chlorine is used, and further provided that the maximum concentration shall not exceed two hundred (200) ppm (20, concentration/temperature/ pH/time, C);

Minimum Temperature (in degrees Fahrenheit)	Concentration (in ppm) pH 8.0 or less	Concentration (in ppm) pH 8.1 - 10.0
120	25	25
100	50	50
75	50	100
55	100	100

(6-30-95)

ii. Iodine solutions shall have a minimum concentration of twelve and five tenths (12.5) ppm and a maximum concentration of twenty-five (25) ppm; a temperature of at least seventy-five degrees Fahrenheit (75F); a pH of five (5.0) or less, unless the container label specifies a higher pH limit of effectiveness; and a contact time of at least thirty (30) seconds (20, concentration/ temperature/pH/time, C); (6-30-95)

iii. Quaternary ammonium compound solutions shall be of a concentration indicated by the manufacturers' label instructions, a temperature of at least seventy-five degrees Fahrenheit (75F), a water hardness of five hundred (500) ppm or less, and a contact time of at least thirty (30) seconds (20, concentration/ temperature/ hardness/ time, C); (6-30-95)

e. In existing two (2) compartment sinks, when a detergent-sanitizer is used in the first compartment of a two (2) compartment sink, the same detergent-sanitizer shall be used to sanitize in the second compartment (20, sanitized, C); (6-30-95)

f. Chemicals shall be automatically dispensed when mechanically sanitizing equipment and utensils (16, operated, C); (6-30-95)

g. When manual swabbing or pressure spraying methods are used, the chemical sanitizer or detergent-sanitizer shall be applied at the same strength required for that particular sanitizing solution specified in Subsection 520.11.d., or in accordance with the manufacturer's label instructions (20, concentration/ temperature/pH/hardness/ time, C); and (6-30-95)

h. Concentration of the water pH, water hardness and sanitizing solution chemical shall be accurately determined using a test kit or other device and method as required by Subsection 500.13 (17, test kit, N). (6-30-95)

12. Drying Agents. Drying agents used shall have components that are generally recognized as safe as listed in 21 CFR Part 182, incorporated in these rules under Section 977 or have been specifically reviewed and accepted as drying agents in accordance with 21 CFR 171, incorporated in these rules under Section 997, (41, used, C). (6-30-95)

13. Drying. Equipment and utensils shall only be air-dried (24, handling, N). Towel drying and polishing shall not be permitted (24, handling, N). (6-30-95)

521. -- 539. (RESERVED).

540. PROTECTION OF CLEANED AND SANITIZED EQUIPMENT AND UTENSILS.
Cleaned and sanitized equipment and utensils shall be protected from contamination during reassembly, storage and handling (24, handling, N). (6-30-95)

01. Reassembly. During reassembly and lubrication of equipment, proper precautions shall be taken to preclude the contamination of food contact surfaces (24, handling, N). (6-30-95)

02. Storing Of Cleaned And Sanitized Equipment And Utensils. Cleaned and sanitized equipment and utensils shall be stored: (6-30-95)

a. In a clean, dry location (24, storage, N); (6-30-95)

b. Where they are not exposed to splash, dust or other contamination (24, storage, N); (6-30-95)

c. In a self-draining position (24, storage, N); (6-30-95)

d. On a nonabsorbent surface (15, construction, N); (6-30-95)

e. Covered or inverted (24, storage, N); (6-30-95)

f. At least six (6) inches above the floor (24, storage, N); (6-30-95)

g. In protected areas of the establishment, excluding employee locker rooms, toilet rooms, toilet room vestibules, garbage rooms, mechanical rooms, under exposed sewer lines, under leaking water lines or under lines on which water has condensed or under leaking automatic fire sprinkler heads (24, storage, N); and (6-30-95)

h. Protected by prohibiting unnecessary persons in areas where cleaned and sanitized equipment and utensils are stored, except controlled visits/tours may be authorized by the person in charge (42, personnel, N). (6-30-95)

03. Handling Of Cleaned And Sanitized Utensils. Cleaned and sanitized utensils shall be handled: (6-30-95)

a. In a manner that prevents contamination of food and lip contact surfaces (24, storage, N);(6-30-95)

b. Knives, forks and spoons shall be stored so that handles are presented to employees and customers, except that prewrapped tableware shall be exempt from this requirement (24, storage, N); and (6-30-95)

c. Tableware may be pre-set provided: (6-30-95)

i. It is wrapped, covered or inverted to protect it from contamination (24, handling, N); or (6-30-95)

ii. It is pre-set no sooner than one (1) meal period before use (24, handling, N); or (6-30-95)

iii. It is removed before service (24, handling, N); and (6-30-95)

iv. Extra settings of pre-set tableware are removed from the table when the customers are seated (24, handling, N); or (6-30-95)

v. It is exposed and unused settings are not removed when a consumer is seated, and are cleaned and sanitized before further use (22, clean, C; 20, sanitized, C). (6-30-95)

04. Storage Of Single-Service And Single-Use Articles. Single-service and single-use articles shall be stored: (6-30-95)

a. In a clean, dry location (25, storage, N); (6-30-95)

b. Where they are not exposed to splash, dust or other contamination (25, storage, N); (6-30-95)

c. On a nonabsorbent surface (15, construction, N); (6-30-95)

d. At least six (6) inches above the floor (25, storage, N), except that single-service articles in closed cartons or containers may be stored on easily movable dollies, skids, racks or open-ended pallets; (6-30-95)

e. In protected area of the food establishment excluding employee locker rooms, toilet rooms, toilet room vestibules, garbage rooms, mechanical rooms, under exposed sewer lines, under leaking water lines, or under lines on which water has condensed, or under leaking automatic fire sprinkler heads (25, storage, N); and (6-30-95)

f. In the original protective package or stored using other means which affords protection until used (25, storage, N). (6-30-95)

05. Handling Of Single-Service And Single-Use Articles. Single-service and single-use articles shall be handled: (6-30-95)

a. In a manner that prevents contamination of food and lip contact surfaces (25, handling/storage/dispensing, N); (6-30-95)

b. Knives, forks and spoons shall be stored so that handles are presented to employees and customers, except that prewrapped tableware shall be exempt from this requirement (25, storage/dispensing, N); and (6-30-95)

c. Other single-service articles shall be furnished to the consumer individually wrapped, from an approved dispenser or in a manner to minimize contamination (25, handling/dispensing, N). (6-30-95)

541. -- 579. (RESERVED).

580. LAUNDERING.

Laundering operations shall be conducted in such a manner to ensure proper cleaning and storage of laundered items and to preclude the contamination of food and clean equipment, utensils, linens, and single-service and single-use articles. (6-30-95)

01. Laundering Frequency. Laundered items shall be laundered at the following frequency: (6-30-95)

a. Linens that do not come in direct contact with food shall be laundered between operations if they become wet, sticky or visibly soiled (15, laundered, N); (6-30-95)

b. Cloth gloves specified in Subsection 500.02.i.iii. shall be laundered when they become visibly soiled (8, laundered, N); (6-30-95)

c. Linens that are used as specified in Subsection 500.02.i.i. and 500.02.i.ii. shall be laundered between each use (8, laundered, N); (6-30-95)

d. Dry wiping cloths specified in Subsection 200.06.e. shall be laundered as necessary to prevent contamination of food and food-contact utensils (21, laundered N). (6-30-95)

02. Laundering Facilities. Laundering facilities in food establishments shall: (6-30-95)

a. Be located in a separate room, or area designated by the regulatory authority, except that such operations may be conducted in storage rooms containing only unopened packages or containers of food and single-service and single-use articles (43, located, N); and (6-30-95)

b. Be used only for the washing and drying of work clothes, uniforms, aprons, gloves, linens and wiping cloths used in the operation of the establishment (43, use, N). (6-30-95)

03. Air-Drying. Air-drying of laundered items shall be prohibited, except when wiping cloths, aprons and gloves are the only items cleaned and there is no clothes dryer, such items may be air-dried in a laundry room or other specially designated location in storage rooms containing only unopened packages or containers of food and single-service articles and such packages and containers are protected from dripping water from the cleaned items (43, prohibited/restricted, N). (6-30-95)

04. Off-Site Laundering. Off-site laundering shall be done by a commercial or industrial business engaged in the laundering business, except when work clothes or uniform cleanliness is the responsibility of the employee, such laundering may be done by the employee (43, restricted, N). (6-30-95)

05. Storing Of Clean Laundered Items. Clean work clothes, uniforms, aprons, gloves, linens and wiping cloths shall be stored in clean laundry bags, containers or places designated for such storage and protected from contamination (44, stored, N; 15, constructed, N; 23, clean, N). (6-30-95)

06. Storing Of Soiled Items. Soiled work clothes, uniforms, aprons, gloves, linens and wiping cloths shall be kept in nonabsorbent containers or washable laundry bags and stored in such a manner to prevent contamination of food and clean equipment and utensils (44, stored, N; 15, constructed, N). (6-30-95)

581. -- 599. (RESERVED).

600. SANITARY CONTROLS.

The operation of food establishments shall have an approved water supply system, sewage disposal system, garbage and refuse disposal system, and insect and rodent control system designed to prevent the contamination of food and the creation of any public health hazards. (6-30-95)

01. Water. The water supply of food establishments shall be from an approved source, safe, adequate and properly delivered from the source (27, source/adequate, C). (6-30-95)

a. Potable water shall be obtained from an approved water system, constructed, maintained and operated according to these rules and articles incorporated in these rules under Section 997; or be commercially bottled or packaged (27, source, C). (6-30-95)

b. Where applicable, construction, operation, quality and monitoring shall be in compliance with Idaho Department of Environmental Quality Rules, IDAPA 58.01.08, “Rules Governing Public Drinking Water Systems,” incorporated in these rules under Section 997 (27, constructed/operated, C). (6-30-95)

c. The amount of potable water shall be sufficient to meet the demands of the food establishment (27, sufficient, C). (6-30-95)

d. Potable water shall be provided to all fixtures and equipment, except that nonpotable water may be used for air conditioning, equipment cooling, irrigation and fire protection (27, provided, C). (6-30-95)

e. Plumbing shall be of safe materials, sized, installed, maintained and repaired in accordance with the 1991 Uniform Plumbing Code as adopted in Chapter 26, Title 54, Idaho Code, and IDAPA 07.02.06, "Rules Concerning Uniform Plumbing Code," incorporated in these rules under Section 997, (29, installed/maintained, N-C). (6-30-95)

f. Water under pressure shall be provided to all fixtures and equipment that use potable water, except that commercially bottled or packaged water shall be delivered by gravity flow from the original package in a manner approved by the regulatory authority (27, pressure, N). (6-30-95)

g. Plumbing shall be installed so that there are no cross-connections between the potable water system and a nonpotable water system or a water system of unknown quality (30, cross- connections, C). (6-30-95)

h. The piping of any nonpotable water system shall be durably identified so that it is readily distinguishable from piping that carries potable water (29, identified, N). (6-30-95)

i. Plumbing, fixtures and equipment shall be installed to preclude backflow and backsiphonage into the potable water supply system (30, backflow/siphonage, C). Devices shall be installed to protect against backflow and backsiphonage at all fixtures and equipment where an air gap at least twice the diameter of the water system inlet is not provided between the water supply inlet and the fixture's or equipment's flood level rim (30, backflow/ backsiphonage, C). Faucets on which hoses are attached shall have a backsiphonage prevention device (30, siphonage, C). (6-30-95)

j. A backflow and backsiphonage prevention device shall be located so that it may be serviced and maintained (29, installed, N). (6-30-95)

k. The potable water supply system shall be protected against the entrance of carbon dioxide or carbonic acid from carbonating devices by: (6-30-95)

i. An air gap at least twice the diameter of the water system inlet (30, siphonage, C); or (6-30-95)

ii. Effective two (2) or double spring-loaded check valve(s) located so that the system downstream from the device(s) contains no copper or other potentially toxic materials (30, backflow, C). A "Y" strainer with not less than one hundred (100) mesh to the inch screen shall be installed immediately upstream from the check valve(s) (29, installed, N). (6-30-95)

l. A potable or bulk water tank, when not part of a closed water system permanently connected to an approved source shall be constructed and operated as follows: (6-30-95)

i. Enclosed from the filling inlet to the discharge outlet (14, constructed, N); (6-30-95)

ii. Provided with a drain that permits complete drainage of the tank (14, constructed, N); (6-30-95)

iii. Designed with covers or ports that permit visual inspection of the tank and provide access to the tank for cleaning and sanitizing (14, designed/constructed, N); (6-30-95)

iv. A cover opening or port opening in the top of the tank shall be flanged upward at least one-half (1/ 2) inch (14, constructed, N); (6-30-95)

v. A tank or inspection port cover for the top of the tank shall be flanged to overlap the opening and be sloped to drain and be provided with a gasket and a device for securing the cover in place (14, constructed, N); (6-30-95)

vi. A tank inlet or outlet shall be sloped in a downward direction (14, constructed, N); (6-30-95)

vii. A fitting with a "v"-type thread on a tank inlet or outlet shall be permitted only when a hose is permanently attached (14, designed, N); (6-30-95)

viii. A tank vent in an enclosed food establishment shall terminate in a downward direction and be covered with sixteen (16) mesh to the inch screen or equivalent (14, designed/constructed, N); (6-30-95)

ix. A tank vent in a nonenclosed area or bulk water transport tank shall terminate in a downward direction and be covered with a protected filter or screen (14, designed/ constructed, N); (6-30-95)

x. A filter shall be installed in the air supply line when compressed air is used to pressurize the potable water system (14, designed, N); (6-30-95)

xi. A pump used for potable water shall be used for no other purpose (14, used, N); (6-30-95)

xii. A hose used for conveying potable water shall be constructed of safe food grade materials, have a smooth interior surface, be used for no other purpose and be clearly identified as to its use (14, constructed/used, N); (6-30-95)

xiii. Caps and keeper chains shall be provided for water inlets, outlets and hoses (14, provided, N; 15, provided, N); (6-30-95)

xiv. Water system inlet and outlet fittings, and hose fittings shall be capped when not in use (24, storage, N); (6-30-95)

xv. Water filters shall be of the replaceable type (14, designed, N); (6-30-95)

xvi. Water filters shall be made of safe materials that conform to 21 CFR 177, incorporated in these rules under Section 997 (14, constructed, N); (6-30-95)

xvii. A portable or bulk potable water system shall be cleaned and sanitized before being placed in service, after construction, repair, modification, and periods of nonuse (22, clean, C; 20, sanitized, C); (6-30-95)

xviii. A mobile food unit's potable water inlet shall be positioned so that it will be protected from contaminants such as waste discharge, road dust, oil or grease and sized to be three-fourths (3/4) inch in diameter or less (14, designed, N). (6-30-95)

m. Temporary food service establishments without a permanently installed water supply system or fixed establishments with an interruption of the water supply shall have potable water meeting the requirements of Subsection 600.01, where applicable, through a supply of commercially bottled or packaged water; one or more closed portable water tanks; an enclosed vehicular water/food transport tank; an on-site water storage tank; or piping, tubing or hoses of food grade material connected to an adjacent approved source (27, source/adequate, C). (6-30-95)

n. A person shall operate hoses, a water tank, pump so that backflow and other contamination of the water supply is prevented (30, backflow/siphonage, C). (6-30-95)

o. Water hauling equipment (tank, pump and hoses) used for conveying potable water shall be used for no other purpose (14, use, N), except liquid hauling equipment (tank, pump and hoses) may be used for hauling potable water provided the potable water contact surfaces of the equipment are cleaned and sanitized after each use (22, clean/free, C; 20, sanitized, C). (6-30-95)

02. Sewage And Liquid Waste Disposal. All sewage and liquid waste from a food establishment shall be disposed of in an adequate sewage system through plumbing of adequate size and design and properly maintained and operated (28, disposal, C; 29, installed/maintained, N). (6-30-95)

a. Sewage and liquid waste shall be disposed of through a public sewage disposal facility or an individual sewage disposal system that is constructed and operated according to Idaho Department of Environmental Quality Rules, IDAPA 58.01.03, "Rules for Individual and Subsurface Sewage Disposal Systems," incorporated in these rules under Section 997 (28, disposal/ constructed/operated, C) except that the use of nonwater-carried disposal facilities which are properly constructed and operated may be permitted by the regulatory authority. (6-30-95)

b. Sewage and liquid waste shall be delivered to the disposal facility via an approved sewerage system, sewage transport vehicles or waste pumps, pipes, hoses and connections constructed, maintained and operated according to law, except that nonsewage liquid waste may be delivered to a disposal facility by portable liquid waste containers or tanks in a manner approved by the regulatory authority that will not create a public health nuisance (28, disposal, C; 29, constructed/maintained/operated, N). (6-30-95)

c. Plumbing of fixed, mobile and temporary food establishments shall be sized, installed and maintained in accordance with the 1991 Uniform Plumbing Code as adopted in Chapter 26, Title 54, Idaho Code, and IDAPA 07.02.06, incorporated in these rules under Section 997, (29, constructed/maintained, N). (6-30-95)

d. No direct connection between the sewerage system and drains originating from refrigerators, steam kettles, potato peelers, ice machines and storage bins, food preparation sinks, salad bars, dipper wells, warewashing machines and other equipment in which food, portable equipment or utensils are placed (29, installed, N) except: (6-30-95)

i. If allowed by law, a warewashing sink may have a direct connection between its waste outlet and a floor drain if the sink is used for warewashing only; and (6-30-95)

ii. If allowed by law, a warewashing machine may have a direct connection between its waste outlet and a floor drain when the machine is located within five (5) feet of a trapped floor drain and the machine outlet is connected to the inlet side of a properly vented floor drain trap. (6-30-95)

e. Grease traps, if used, shall be located to be easily accessible for cleaning (29, installed, N). (6-30-95)

f. Sewage shall be removed from a mobile food unit at an approved waste servicing area or by a sewage transport vehicle in such a way that a public health hazard or nuisance is not created (28, disposal, C). (6-30-95)

g. Tanks and containers for liquid waste retention shall be one and one-half (1 1/2) times the capacity of the water storage tank, equipped with a drain that is one (1) inch in inner diameter or greater, equipped with a shut-off valve, and shall be thoroughly flushed and drained during the servicing operation (15, design, N; 23, clean, N). (6-30-95)

h. The disposal of mop water and similar liquid waste in food preparation sinks, handwashing facilities and warewashing facilities is prohibited (12, practices, C). (6-30-95)

03. Refuse, Recyclables And Returnables. All refuse, recyclables and returnables from a food establishment shall be collected, held for disposal and managed in a sanitary manner and such equipment, containers, compactors, rooms and areas used for the management of refuse, recyclables and returnables shall be properly constructed, maintained and operated to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles, or creating a nuisance and becoming an attraction of insects and rodents by complying with the following requirements: (6-30-95)

a. Refuse, recyclables and returnables generated by a food establishment shall be disposed of often enough to prevent development of unnecessary accumulation and attraction of insects, rodents and other pests (33, frequency, N); (6-30-95)

b. Refuse, recyclables and returnables equipment, compactors and containers shall be provided and be durable, easily cleanable, insect and rodent-resistant, leak-proof, nonabsorbent and maintained in good repair, except that plastic bags and wet strength paper bags may be used to line containers or to store refuse, recyclables and

returnables inside the food establishment (15, constructed, N; 33, resistant, N); (6-30-95)

c. Inside refuse, recyclables and returnables equipment and containers containing food wastes shall be kept covered during nonworking hours and after they are filled (33, covered, N); (6-30-95)

d. Refuse, recyclables and returnables and their equipment and containers shall not, by their location, installation, maintenance or operation, contaminate food, equipment, utensils, linens, and single-service and single-use articles, create a nuisance or prevent cleaning of adjacent space (34, location/operation, N; 37, clean, N); (6-30-95)

e. Outside storage areas and enclosures, equipment, compactors and containers, and inside storage rooms and areas for refuse, recyclables and returnables shall be of sufficient capacity to hold the refuse, recyclables and returnables that accumulates (34, constructed, N; 33, capacity/number, N); (6-30-95)

f. Outside storage area surface shall be constructed of nonabsorbent material such as concrete or machine-laid asphalt, be smooth and be sloped to allow draining and shall be maintained in good repair and kept clean (34, constructed/clean, N); (6-30-95)

g. An enclosure, if used, shall be constructed of durable and cleanable materials and shall be maintained in good repair and kept clean (34, constructed/clean, N); (6-30-95)

h. Except when adding refuse, recyclables and returnables to outside equipment, compactors and containers, the doors and lids of such equipment and containers shall be properly closed or covered (33, closed/ covered, N); (6-30-95)

i. Unprotected plastic bags, paper bags or bailed units which contain refuse, recyclables and returnables shall not be stored outside (33, unprotected, N) except: (6-30-95)

i. In properly constructed equipment and containers; and (6-30-95)

ii. Cardboard or other packaging material not containing garbage or food wastes may be stored outside without being in a covered container when awaiting regularly scheduled delivery to a recycling or disposal site, provided it is stored so that it does not create a rodent harborage problem; (6-30-95)

j. Suitable facilities, detergent, and hot water or steam shall be provided and used for cleaning refuse, recyclables and returnables equipment and containers (27, water, C); (6-30-95)

k. Refuse, recyclables and returnables equipment and containers shall be thoroughly cleaned in a way that does not contaminate food, equipment, utensils, linens, and single-service and single-use articles, or food preparation areas or, if cleaned outside, create a nuisance (33, clean, N; 34, clean, N); (6-30-95)

l. Soiled refuse, recyclables and returnables equipment, compactors and containers shall be cleaned at a frequency to prevent them from becoming insect and rodent attractors and a source of contamination (33, clean, N); (6-30-95)

m. Drain ports in refuse, recyclables and returnables equipment, compactors and containers shall have drain plugs in place, except that drain plugs may be removed during the cleaning operation (33, maintained, N); (6-30-95)

n. Liquid wastes from leaking equipment, compactors and containers or from the cleaning of such equipment and containers shall be disposed of in compliance with Subsections 600.02.a. and 600.02.b.; (6-30-95)

o. Inside refuse, recyclables and returnables storage rooms, if used, shall meet the criteria in Section 700; (6-30-95)

p. Refuse, and recyclables and returnables containing food residues shall be removed from the premises to a disposal facility at a frequency that will minimize the attraction of insects and rodents (33, frequency,

N); and (6-30-95)

q. A refuse container shall be located at each handwashing facility or group of adjacent facilities where disposable sanitary paper towels are used (15, constructed, N; 32, container, N). (6-30-95)

04. Vector And Pest Control. The food establishment and premises shall be properly constructed and maintained in a condition that prevents the harborage, entrance or feeding of insects, rodents or other vectors and pests. (6-30-95)

a. The presence of flies, cockroaches, rodents and other vectors and pests in the food establishment and on the premises is prohibited (35, presence, C). (6-30-95)

b. The premises shall be kept in such condition as to prevent the breeding, harborage or feeding of vectors and pests (42, maintained, N). (6-30-95)

c. All openings to the outer air shall be effectively protected against the entrance of insects, rodents or other vectors and pests by solid, self-closing, tight-fitting doors and closed, tight-fitting windows (35, protected, N). (6-30-95)

d. Except as specified in Subsection 600.04.c., if doors or windows are kept open for ventilation or other purposes, the openings shall be protected against the entry of insects, rodents or other vectors and pests by: (6-30-95)

i. Tight fitting screen doors or windows with screening material which is not less than sixteen (16) mesh to the inch and free of breaks (35, protected, N); and (6-30-95)

ii. Screen doors to the outside shall be self-closing and kept closed (35, protected, N); or (6-30-95)

iii. Should screen doors or windows not be kept closed, properly designed and installed air curtains or other effective means of control is provided (35, protected, N). (6-30-95)

e. All openings, excluding doors and windows, to the outside shall be effectively protected against the entrance of rodents and pests (35, protected, N). (6-30-95)

f. The presence of insects, rodents or other vectors and pests shall be controlled by using appropriate pest control methods, such as trapping, extermination or eliminating harborage conditions (35, control, N). Such control activities shall comply with the following: (6-30-95)

i. Devices intended to electrocute flying insects, if used, shall be designed to have “escape-resistant” trays and installed in locations where dead insects cannot fall on exposed food, food-contact surface, clean equipment, utensils, linens, and unwrapped single-service and single-use articles (15, designed/located, N); (6-30-95)

ii. Devices used to trap rodents, insects and other pests by adherence may not be installed above exposed food, clean equipment, utensils, linens, and unwrapped single-service and single-use articles (15, designed/located, N); (6-30-95)

iii. Trapped or dead birds, insects, rodents, and other vectors and pests shall be removed from control devices and the premises at a frequency that prevents their accumulation, decomposition, or the attraction of pests (33, frequency, N); and (6-30-95)

iv. The use of pesticides to control insects, rodents, and other vectors and pests shall be done in accordance with Section 800 (41, necessary/labeled/stored/used, C). (6-30-95)

601. -- 699. (RESERVED).

700. PHYSICAL FACILITY DESIGN, CONSTRUCTION, INSTALLATION, OPERATION AND MAINTENANCE.
Interior surfaces within food preparation and processing areas, food storage areas, warewashing areas, walk-in refrigerators, dining areas, food display areas, retail sales areas, food service areas, dressing rooms, locker rooms, toilet rooms, vestibules, servicing areas, refuse storage rooms and food vending machine areas shall be properly designed, constructed, installed, operated and maintained. (6-30-95)

01. Floors And Floor Coverings. The design, construction, installation, operation and maintenance of floors and floor coverings shall comply with the following requirements: (6-30-95)

a. Materials used for the construction and repair of the floors and floor coverings, except as provided in Section 700.01.h. shall consist of durable sealed concrete, terrazzo, quarry tile, ceramic tile, durable grades of vinyl or plastic tile or tight-fitting wood impregnated with plastic, except that floors of nonrefrigerated dry food storage areas need not be sealed (36, constructed, N); (6-30-95)

b. Floors which are water-flushed, receive discharges of water or other fluid wastes or are in areas where pressure spray methods or cleaning are used shall be made of nonabsorbent materials (36, constructed, N); (6-30-95)

c. The floor of a servicing area shall be constructed of nonabsorbent materials such as concrete or machine-laid asphalt and graded to provide drainage (36, constructed, N); (6-30-95)

d. The floors and floor coverings shall be sufficiently constructed to be easily cleanable and in good repair (36, constructed, N; 37, repair, N); (6-30-95)

e. Nothing in this section shall prohibit the use of anti-slip floor covering for safety reasons in areas where necessary; (6-30-95)

f. The junctures between walls and floors in food establishments in which water-flush cleaning methods are not used shall be coved and constructed so that no seam will be open more than one-thirty second (1/32) inch (36, constructed, N); (6-30-95)

g. The floors in food establishments in which water- flush cleaning methods are used shall be graded to drain, provided with drains and coved and sealed (29, installed, N; 36, constructed/drained, N); (6-30-95)

h. Carpeting installed as a floor covering shall be: (6-30-95)

i. Constructed of closely woven, easily cleanable material (36, constructed, N); (6-30-95)

ii. Securely attached to the floor with a durable mastic, stretch and tacks or other method (36, installed, N); (6-30-95)

iii. Installed tightly against the wall under the coving or installed away from the wall with a space between the carpet and the wall that permits easy cleaning of the space with the edges of the carpet secured by metal stripping or some other means (36, installed, N); and (6-30-95)

iv. Carpeting shall not be installed as a floor covering in food preparation and processing areas, food storage areas, warewashing areas, handwashing areas and toilet room areas where urinals and toilets are located (36, installed N); (6-30-95)

i. Mats and duckboards shall: (6-30-95)

i. Designed to be easily cleanable (36, designed, N); (6-30-95)

ii. Constructed of nonabsorbent material and be grease-resistant in areas exposed to large amounts of grease and water (36, constructed, N); and (6-30-95)

iii. Constructed of rubber/plastic-backed, closely woven material and manufactured for use as a mat in areas not exposed to large amounts of grease and water (36, constructed, N); (6-30-95)

j. Sawdust, wood shavings, granular salt, baked clay diatomaceous earth, peanut hulls or similar materials shall not be used on floors, except that materials may be used as provided in Subsections 700.01.l. and 885.05.a. (36, restricted, N); (6-30-95)

k. Floors shall be cleaned as often as necessary to keep them clean. Cleaning, except emergency cleaning, shall be done during periods when the least amount of food is exposed such as after closing or between meals (37, clean, N); (6-30-95)

l. Floors shall be cleaned by dustless methods such as wet cleaning, vacuum cleaning, mopping with treated dust mops or sweeping using a broom and dust-arresting compounds, except that spills or drippage on floors occurring throughout the day between normal floor cleaning times may be cleaned without the use of dust-arresting compounds and, in the case of liquid spills or drippage, with the use of a small amount of absorbent compound (sawdust or diatomaceous earth) applied immediately prior to spot cleaning (37, method, N). (6-30-95)

02. Walls, Wall Coverings And Ceilings. The design, construction, installation, operation and maintenance of walls, wall coverings and ceilings shall comply with the following requirements: (6-30-95)

a. Walls, wall coverings and ceilings in areas listed in Section 700, including nonsupporting partitions, shall be nonabsorbent and constructed, finished and sealed to provide an easily cleanable, light-colored surface (36, constructed, N), except that: (6-30-95)

i. Walls and ceilings of nonrefrigerated dry food storage areas need not be nonabsorbent, finished or sealed; (6-30-95)

ii. Ceilings of dining areas, food display areas, retail sales areas, food service areas, dressing rooms, locker rooms, toilet rooms, vestibules and food vending machine areas may be constructed in accordance with Subsection 700.02.f.; and (6-30-95)

iii. Walls and ceilings in dining areas need not be light-colored when lighting is in accordance with Subsection 700.07.a.i. (6-30-95)

b. Concrete, pumice blocks or bricks used for interior wall construction shall be finished and sealed to provide a nonabsorbent, easily cleanable surface, except that such walls of nonrefrigerated dry food storage areas and rooms need not be finished and sealed (36, constructed, N); (6-30-95)

c. Wall covering materials used, such as sheet metal, linoleum, plastic and similar materials, shall be so attached and sealed to the wall as to leave no open spaces or cracks which would permit accumulation of grease or debris or provide harborage for vectors or pests (36, installed, N); (6-30-95)

d. Studs, joists and rafters shall not be left exposed in areas listed in Section 700, including nonsupporting partitions (36, surfaces, N), except that studs, joists and rafters may be exposed in nonrefrigerated dry food storage areas, servicing areas, temporary food establishments and in dining areas when rough- surfaced materials are used for decorative or display purposes provided they shall be maintained in a clean condition (37, clean/ maintained, N); (6-30-95)

e. Perimeter walls, roofs and openings to the outside shall be constructed in accordance with Section 600.04.c. and 600.04.d.; (6-30-95)

f. Acoustical materials shall not be used for ceilings in food preparation and processing rooms, warewashing rooms and refuse storage rooms. Acoustical materials may be used on the ceilings of other rooms and areas provided ventilation is adequate to minimize grease and moisture absorption. When rough-surfaced acoustical materials are used, a smooth, easily cleanable material shall be provided around the ventilation ducts to facilitate cleaning (36, constructed, N); (6-30-95)

g. The walls, wall coverings and ceilings shall be sufficiently constructed to be easily cleanable and in good repair (36, constructed, N; 37, repair, N); and (6-30-95)

h. Walls, wall coverings and ceilings shall be cleaned as often as necessary to keep them clean (37, clean, N). Cleaning, except emergency cleaning, shall be done during periods when the least amount of food is exposed such as after closing or between meals (37, method, N). Only dustless methods of cleaning shall be used, including vacuuming and wet cleaning (37, method, N). (6-30-95)

03. Wall And Ceiling-Mounted Equipment And Fixtures. Wall and ceiling-mounted light fixtures, fans, vent covers, refrigeration and cooling units, decorative materials and similar attachments shall be properly constructed and installed to be easily cleanable, kept in good repair and kept clean using dustless methods (36, installed/constructed, N; 37, repair/clean, N). (6-30-95)

04. Handwashing Facilities. Handwashing facilities shall meet the following requirements: (6-30-95)

a. Handwashing facilities shall be installed and not be less than the number specified in the 1991 Uniform Plumbing Code as adopted in Chapter 26, Title 54, Idaho Code, and IDAPA 07.02.06, incorporated in these rules under Section 997, but be sufficient in number as to permit expeditious use by all employees in all parts of the food establishment, except in situations where food exposure is limited and handwashing facilities are not available and, for special situations, alternate handwashing facilities may be approved by the regulatory authority (31, installed/number/located, C). (6-30-95)

b. Handwashing facilities shall be: (6-30-95)

i. Located to permit use by employees in food preparation and processing areas, warewashing areas, wait person station (31, located, C); and (6-30-95)

ii. Located in or immediately adjacent to toilet rooms or toilet room vestibules (31, located, C); (6-30-95)

c. Handwashing facilities shall be designed to be easily cleanable and installed to be easily accessible and in accordance with the 1991 Uniform Plumbing Code as adopted in Chapter 26, Title 54, Idaho Code, and IDAPA 07.02.06, incorporated in these rules under Section 997, (31, designed/ installed/ accessible, C). (6-30-95)

d. Each handwashing facility shall: (6-30-95)

i. Be designed to provide hot and cold or tempered water (90F to 105F) through a mixing valve or combination faucet (27, hot/cold, C); and (6-30-95)

ii. When using self-closing, slow-closing or metering faucet, a flow of water for at least fifteen (15) seconds shall be provided without the need to reactivate the faucet (31, designed, C); and (6-30-95)

iii. Not use steam mixing valves (31, installed, C); (6-30-95)

e. Each handwashing facility or group of adjacent facilities shall be provided at all times with: (6-30-95)

i. A supply of hand-cleaning liquid, powder or bar soap (32, cleanser, C); (6-30-95)

ii. Individual disposable sanitary paper towels, a continuous towel system supplied with a clean towel or a heated air hand-drying device (32, towels/devices, C); and (6-30-95)

iii. Hand sanitizer if used to supplement handwashing (41, used, C). (6-30-95)

f. Handwashing shall only take place at a handwashing facility or designated service sink and not at a food preparation sink or at a warewashing sink (12, practice, C); (6-30-95)

g. Handwashing facilities shall be used by employees in accordance with Subsection 400.05 and 400.06. (6-30-95)

h. Handwashing facilities shall be used only for handwashing purposes (31, use restricted, C); and (6-30-95)

i. Handwashing facilities, soap or detergent dispensers, sanitizer dispensers and towel dispensers or hand-drying devices shall be kept in good repair and kept clean (32, repair/clean, N). (6-30-95)

05. Toilet Facilities. Toilet facilities shall meet the following requirements: (6-30-95)

a. Toilet facilities shall be provided and not less than the number specified in the 1991 Uniform Plumbing Code as adopted in Chapter 26, Title 54, Idaho Code, and IDAPA 07.02.06, incorporated in these rules under Section 997; be located and accessible to employees at all times; and be of a sanitary design and be cleanable (31, installed/number/located/ accessible/design/construction, C); (6-30-95)

b. Toilet facilities shall be completely enclosed and have tight-fitting, self-closing, solid doors which shall be kept closed, except during cleaning and maintenance operations or as required to assist the handicapped (32, enclosed/door, N) except that this requirement shall not apply to toilet facilities that are located outside a food establishment or does not open directly into the food establishment; (6-30-95)

c. When common toilet facilities are used by employees and patrons, access for patrons shall not be through food preparation and processing, warewashing, equipment and utensil storage and food storage rooms or areas (42, personnel, N); (6-30-95)

d. A supply of toilet tissue shall be provided at each toilet at all times (32, tissue, N); (6-30-95)

e. Toilet facilities, including toilet rooms and fixtures, shall be kept clean and in good repair and free of objectional odors (32, clean/repair/free, N) (37, clean/repair/ free, N); (6-30-95)

f. Should vestibules be provided, they shall be kept in a clean condition and in good repair (37, clean/ repair, N); (6-30-95)

g. Appropriate handwashing signs shall be posted conspicuously in all toilet rooms used by employees (32, posted, N); and (6-30-95)

h. Operators and employees of mobile food units, pushcarts, temporary food establishments and other such operations without toilet facilities shall obtain the use of toilet facilities which fully comply with Subsection 700.05 except Subsection 700.05.g. (31, provided/located/accessible, C). (6-30-95)

06. Dressing Rooms, Dressing Areas And Lockers. Adequate facilities shall be provided and used for the orderly storage of employees' clothing and personal belongings (40, provided/used, N). Dressing rooms or areas and lockers shall meet the following requirements: (6-30-95)

a. Designated dressing rooms or areas shall not be used for food preparation, unpackaged food storage, food display, food service, warewashing, unpackaged utensil storage or equipment storage (8, preparation/ storage, N; 24, storage, N), except that dressing areas may be located in food storage rooms and areas containing only unopened packaged food or unopened single-service articles or in other designated areas approved by the regulatory authority (40, located, N); (6-30-95)

b. Lockers or other suitable facilities for the storage of employees' clothing and personal belongings shall be located in dressing rooms, dressing areas or other designated areas approved by the regulatory authority (40, located, N); and (6-30-95)

c. Dressing rooms or areas and lockers or designated areas for the storage of employees' clothing and personal belonging shall be kept neat and in a clean condition (40, used, N; 42, litter/articles, N; 37, clean, N). (6-30-95)

07. **Lighting**. Lighting used in food establishments shall meet the following requirements: (6-30-95)

a. Permanently fixed artificial light sources shall be installed and operated to provide the following light intensity (38, installed/operated, N): (6-30-95)

i. At least ten (10) foot candles of light shall be available at any time in all areas and rooms, including walk-in refrigeration units and dining rooms and areas during cleaning operations (38, required light, N); (6-30-95)

ii. The light on food preparation, processing and warewashing work surfaces shall be at least thirty (30) foot candles (38, required light, N); and (6-30-95)

iii. The light in packaged food and fresh produce sales areas, handwashing areas, equipment and utensil storage areas and toilet areas shall be at least twenty (20) foot candles at a distance of thirty (30) inches from the floor (38, required light, N); (6-30-95)

b. Artificial light shall not be at a wave length to enhance the appearance of food to the extent to be deceptive and misleading and constitute misbranding (2, misbranded, N); (6-30-95)

c. Lights located over or within food preparation or processing areas, food display areas, food service areas, food storage areas, warewashing areas, equipment and utensil storage areas, food equipment areas, linens, and unwrapped single-service and single-use articles shall be shielded, coated or otherwise shatter-resistant (38, shielded, N), except that: (6-30-95)

i. Shielded, coated or otherwise shatter-resistant bulbs need not be used in areas used only for storing food in unopened packages provided that the packages' integrities will not be affected by broken glass falling onto them and the packages, prior to being opened, are capable of being cleaned of all debris from broken bulbs; and (6-30-95)

ii. Infrared or other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb so that only the face of the bulb is exposed (38, shielded, N). (6-30-95)

08. **Ventilation**. Ventilation in food establishments shall meet the following requirements: (6-30-95)

a. All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, grease, condensation, vapors, obnoxious odors, smoke and fumes which are a result of food establishment operations (39, required/sufficient, N); (6-30-95)

b. All ducts in ventilating hoods for collecting and removing grease and smoke shall be provided with filters which are readily removable for cleaning and replacement, excepting those systems which are effectively self-cleaning (15, provided/designed, N); (6-30-95)

c. Where intake or exhaust air ducts are used, they shall be designed and maintained so as to prevent the entrance of dust, dirt, insects, rodents and other animals and contaminating materials (36, designed/maintained, N); (6-30-95)

d. Hood ventilators shall be designed, maintained clean and operated properly to prevent grease or condensate from dripping into food or onto food-contact surfaces (15, designed, N; 23, clean, N); (6-30-95)

e. Ventilation systems, when vented to the outside, shall not create a public health nuisance or unlawful discharge (39, operated, N); (6-30-95)

f. Exhaust hoods and ventilating devices shall be maintained clean and kept in good repair (23, clean/repair, N; 37, clean/repair, N); and (6-30-95)

g. In all new or extensively remodeled establishments, ventilating systems, including hood ventilators, shall be designed, constructed and installed according to the 1991 Uniform Mechanical Code as adopted

in IDAPA 07.03.04, incorporated in these rules under Section 997 and the 1991 Uniform Building Code as adopted in Sections 39-4107(6) and 39-4109(1), Idaho Code, incorporated in these rules under Section 997 (37, designed/ constructed/ installed, N; 15, designed/ constructed/installed, N). (6-30-95)

h. Heating and air conditioning systems shall be designed and installed so that vents do not cause contamination of food, food preparation surfaces, equipment, or utensils (37, designed/constructed/installed, N). (6-30-95)

09. Exterior Areas. The exterior areas shall meet the following requirements: (6-30-95)

a. Walking and driving areas shall be surfaced with either concrete, asphalt, gravel or materials similar to gravel that have been effectively treated to facilitate maintenance and to minimize dust and prevent muddy conditions (42, maintained, N); (6-30-95)

b. Such areas shall be graded to drain (42, maintained, N); and (6-30-95)

c. Such areas shall be kept free of litter (42, litter, N). (6-30-95)

10. Service Sinks. In new or extensively remodeled establishments, at least one (1) service sink or curbed cleaning facility with a floor drain shall be provided for the cleaning of mops or similar wet floor cleaning equipment and for the disposal of mop water and similar liquid waste (29, installed, N). Service sinks shall be maintained in good repair and kept clean (23, clean/repair, N). (6-30-95)

11. Utility Service Line And Pipe Installations. Utility service line and pipe installations shall comply with the following: (6-30-95)

a. Installation of exposed horizontal utility service lines and pipes on the floor is prohibited (36, constructed, N); (6-30-95)

b. Utility service lines and pipes shall not be unnecessarily exposed on walls or ceilings in rooms and areas listed in Section 700 (36, constructed, N); and (6-30-95)

c. Exposed utility service lines and pipes shall be installed so that they do not obstruct or prevent cleaning of the floors, walls and ceilings in rooms and areas listed in Section 700 (36, constructed, N). (6-30-95)

12. Maintenance Equipment. Maintenance and cleaning tools such as brooms, mops, vacuum cleaners, mechanical floor cleaning equipment and similar tools and equipment shall be: (6-30-95)

a. Stored so that they do not contaminate food, equipment, utensils, linens, or single-service and single-use articles (42, stored, N); (6-30-95)

b. Stored in an orderly manner that will facilitate cleaning of the maintenance equipment storage location (42, stored, N); (6-30-95)

c. After use, mops shall be placed in a position that allows them to air-dry (42, stored, N); and (6-30-95)

d. Cleaned in appropriate service sinks and not in food preparation sinks, handwashing facilities and warewashing facilities (12, practices, C). (6-30-95)

13. Distressed Merchandise And Containers. Suitable racks or containers shall be provided in designated areas for holding distressed merchandise and located so that food, equipment or utensils will not be contaminated and a public health nuisance or hazard is not created (15, provided, N). (6-30-95)

14. Litter And Unnecessary Articles. The premises shall be free of litter and articles not essential to the operation or maintenance of the establishment (42, litter/articles, N). (6-30-95)

15. Separation Of Living And Sleeping Quarters. Living and sleeping quarters shall be separated from any food establishment operations by complete partitioning and by solid, self-closing doors (43, separation, N). No part of the food establishment operations shall be conducted in living or sleeping quarters (43, separation, N). (6-30-95)

16. Pets And Other Animals. Pets and other live animals shall not be permitted in food establishments (35, animals, C), except that: (6-30-95)

a. Edible fish or decorative fish, shellfish and crustaceans in life support systems in compliance with Subsections 200.01.b.ii. and 200.01.b.iii. are allowed; (6-30-95)

b. Live shellfish and crustaceans on ice or under refrigeration are allowed; (6-30-95)

c. Patrol dogs accompanying security or police officers in offices and dining/sales and storage areas, sentry dogs running loose in outside fence areas are allowed. (6-30-95)

d. Support animals that are trained to assist an employee or other person who is handicapped, which are controlled by the handicapped employee or person, and are not allowed to be on seats or tables are allowed; (6-30-95)

e. Pets in the common dining areas of group residences are allowed; provided that pets are excluded from such dining areas during food service; excluded from food storage and preparation areas; that condiments, equipment and utensils are removed from the dining area when pets are present; and dining area tables, countertops, and similar surfaces are effectively cleaned before the next meal service; and (6-30-95)

f. Live or dead fish bait is allowed provided such bait is stored so that contamination of food, equipment, utensils, linens, and single-service and single-use articles will not occur. (6-30-95)

701. -- 799. (RESERVED).

800. POISONOUS/TOXIC MATERIALS, FIRST AID SUPPLIES, MEDICINALS AND COSMETICS. Poisonous and toxic materials, first aid supplies, medicinals and cosmetics in food establishments shall be necessary, properly labeled or identified, located, displayed, stored and used (41, necessary/labeled/stored/used, N-C). (6-30-95)

01. Labeling/Identification. (6-30-95)

a. Containers of poisonous or toxic materials, first aid supplies, medicinals and cosmetics shall be labeled in accordance with applicable law (41, labeled, C). (6-30-95)

b. Working containers used for storing cleaners, sanitizers and other poisonous or toxic materials taken from bulk supplies shall be conspicuously identified with the common name of the material (41, labeled, C). (6-30-95)

c. Food containers shall not be used for poisonous or toxic materials and empty poisonous or toxic materials container shall not be used as a food container (41, container, C). (6-30-95)

02. Retail Sale Storage And Display. Poisonous and toxic materials, first aid supplies, medicinals and cosmetics stored or displayed for retail sale shall not be stored or displayed so they may contaminate food, equipment, utensils, linens, and single-service and single-use articles by: (6-30-95)

a. Not locating such poisonous and toxic materials, first aid supplies, medicinals and cosmetics above food, equipment, utensils, linens, and single-service and single-use articles (41, stored, C); or (6-30-95)

b. Separating or partitioning poisonous and toxic materials, first aid supplies, medicinals and cosmetics from food, equipment, utensils, linens, and single-service and single-use articles (41, stored, N). (6-30-95)

03. Storage. Poisonous and toxic materials, first aid and medicinals shall be stored as follows:

(6-30-95)

a. Only those poisonous or toxic materials necessary and intended for the operation and maintenance of the establishment, such as for the control of vectors and pests and the cleaning and sanitizing of equipment and utensils, shall be present (41, necessary, N) except this section does not apply to packaged poisonous or toxic materials that are stored or displayed for retail sale; (6-30-95)

b. Insecticides and rodenticides shall be stored in cabinets or in similar physically separated compartments or facilities used for no other purpose (41, stored, C); (6-30-95)

c. Detergents, sanitizers, related cleaning or drying agents, caustics, acids, polishes, lubricants and other chemicals shall not be stored above or intermingled with food, equipment, utensils, single-service articles or single-use articles intended for use with food, except that this requirement does not prohibit the convenient location and availability of cleaning and sanitizing agents at warewashing facilities (41, stored, C); (6-30-95)

d. First aid supplies shall be stored in a kit or a container labeled as to its contents and located so that food and food-contact surfaces of equipment and utensils, linens, and single-service and single-use articles cannot be contaminated (41, labeled/stored, N-C); (6-30-95)

e. Only those medications necessary for the health of employees shall be present (41, necessary, C) except this subsection does not apply to medications that are stored or displayed for retail sale; (6-30-95)

f. Medications shall be stored in properly labeled containers and located so that food and food-contact surfaces of equipment and utensils, linens, and single-service and single-use articles cannot be contaminated (41, labeled/stored, C); and; (6-30-95)

g. Medications requiring refrigeration and stored in a refrigerator shall be properly identified, double-packaged and located on the lowest shelf or other secure area approved by the regulatory authority (41, labeled/stored, C). (6-30-95)

04. **Use**. Poisonous or toxic materials shall be used as follows: (6-30-95)

a. In accordance with the manufacturers' labeling (41, used, C); (6-30-95)

b. In a manner that prevents contamination of food (41, used, C); (6-30-95)

c. In a manner that prevents toxic residues due to spray, drip, drain or splash on food-contact surfaces (41, used, C); and (6-30-95)

d. So as not to constitute a hazard to employees or other persons (41, used, C); and (6-30-95)

e. Additional requirements for pesticides are as follows: (6-30-95)

i. Automatic spray dispensers shall be installed according to manufacturers' instructions (41, used, C); (6-30-95)

ii. The active materials dispensed through automatic spray devices shall be limited to pyrethrins, piperonyl butoxide and MGK-264 (n-octyl bicycloheptene dicarboximide) (41, used, C); (6-30-95)

iii. Application of pesticides as components of paint is prohibited in areas where food is exposed or in areas subject to drip, drain or splash (41, used, C); (6-30-95)

iv. Bait stations shall be tamper-proof or covered or, if open, maintained so that the pesticide is kept within the station (41, used, N); (6-30-95)

v. Tracking powders shall not be used in food establishments (41, used, C); and (6-30-95)

vi. Restricted-use pesticides shall be applied by a certified pest control operator in accordance with applicable law (41, used, C). (6-30-95)

801. -- 849. (RESERVED).

850. FOOD SERVICE FACILITIES OR OPERATIONS.
Food service facilities or operations shall meet the requirements of this chapter in their entirety. (6-30-95)

851. -- 854. (RESERVED).

855. RETAIL FOOD STORES OR OPERATIONS.
Retail food stores or operations shall meet the requirements of this chapter in their entirety. (6-30-95)

856. -- 859. (RESERVED).

860. FOOD PROCESSING ESTABLISHMENTS, CANNING FACTORIES OR OPERATIONS.
Food processing establishments, canning factories or operations shall meet the requirements of this chapter in their entirety except as otherwise provided in this section. (6-30-95)

01. Thermal Processing Of Low-Acid Foods. Food processing establishments, canning factories or operations using thermal methods for canning low-acid food products shall meet the requirements of 21 CFR 113, incorporated in these rules under Section 997. (6-30-95)

02. Container Labels. Examples of proposed container labels shall be submitted to the regulatory authority for review and approval prior to printing. (6-30-95)

03. Testing. Chemical, microbiological or extraneous material testing procedures to identify sanitation failures or food contamination of food products processed or manufactured shall be the responsibility of the license holder. (6-30-95)

04. Quality Assurance Program. The license holder or his designated person or employee shall develop and submit to the regulatory authority for review and approval a quality assurance program or HACCP plan that covers the food processing operation. The quality assurance program or HACCP plan shall include the following components: (6-30-95)

a. An organization chart that identifies persons responsible for quality control operations. (6-30-95)

b. A process flow diagram that outlines the processing steps from the acceptance of raw materials to the production and packaging of finished product for each product or group of related products. (6-30-95)

c. Specific points in the process, such as critical control points that warrant scheduled monitoring, should be noted and their requirements defined, as outlined in Appendix B if applicable. (6-30-95)

d. Establishment of product codes that identify production data. (6-30-95)

e. A manual that covers sanitary maintenance of facilities and hygienic practices of employees. (6-30-95)

f. A records system that allows for review and evaluation of all operations, including the quality assurance program results. Records must be retained for a period of time that exceeds the shelf life of the product by six (6) months or for two (2) years, whichever is less. (6-30-95)

g. Establishment of a self-inspection program at a frequency that can give reasonable assurance that the operation is in acceptable sanitary condition. (6-30-95)

05. Conflicting Operations. Where food processing or canning operations are done in conjunction with other types of food operations in the same establishment, such conflicting operations shall be completely

separated by the use of separate equipment or areas or by scheduling and cleaning to prevent cross-contamination. Operational procedures shall be documented in accordance with Subsection 860.04. (6-30-95)

861. -- 864. (RESERVED).

865. BOTTLED OR BULK WATER ESTABLISHMENTS AND OPERATIONS.
Bottled or bulk water establishments and operations shall meet the requirements of this chapter, in their entirety except as otherwise provided in this section. (6-30-95)

01. Definitions. In addition to the definitions in Section 005 the following definitions are applicable to bottled or bulk water operations: (6-30-95)

a. Artesian well or spring water. Water from a well tapping an aquifer in which the water level will stand above the bottom of the confining bed of the aquifer and in which the hydraulic pressure of the water in the aquifer is greater than the force of gravity. Artesian well or spring water shall not be altered by the addition or deletion of minerals or by blending it with water from a nonartesian well water source, except that artesian well water may be filtered and disinfected by a process approved by the regulatory authority. Any water which satisfies the designation of Subsection 865.01.a. may be labeled "artesian well water" or "artesian spring water"; (6-30-95)

b. Bottled or packaged water. Water taken from a public water system, distilled water, deionized water or any of the foregoing to which chemicals may be added, which are put into sealed bottles, packages or containers, to be sold for domestic consumption or culinary use, or involving a likelihood of such water being ingested by humans; (6-30-95)

c. Bottled or bulk water establishment or bottled or bulk water operation. (6-30-95)

i. Any room, building, structure or place used or intended for use or operation for storing, preparing, compounding, manufacturing, processing, freezing, packaging, distributing, handling or displaying water; (6-30-95)

ii. The premises or grounds upon which such place or business is operated or used and so much property adjacent thereto as is also used in carrying on the business of the operation; and (6-30-95)

iii. Vehicles, machinery, equipment, utensils, tools, fixtures, implements and all other articles or items used in operating or carrying on the business of a bottled or bulk water operation; (6-30-95)

d. Bulk water. Water intended for potable use which is transported in bulk containers or tanks by vehicular means, rail, ship, barge and other forms of transportation; (6-30-95)

e. Fluoridated water. Water containing naturally occurring or added fluoride. Any water which meets the designation of this Subsection shall contain not less than one milligram (1 mg) per liter nor more than four milligrams (4 mg) per liter fluoridization and otherwise comply with 21 CFR 103.35(d)(2), incorporated in these rules under Section 997. The label shall specify whether it is naturally occurring or added fluoride; (6-30-95)

f. Demineralized water. Water which has been demineralized by distillation, deionization, reverse osmosis or other methods and contains not more than ten milligrams (10 mg) per liter total solids. Any water which meets the criteria of this Subsection may be labeled “demineralized water prepared by .....” or “..... demineralized water” (the blanks to be filled in with the method of preparation); (6-30-95)

g. Light mineral water. Water containing not less than two hundred fifty milligrams (250 mg) per liter nor more than five hundred milligrams (500 mg) per liter of total dissolved solids and originating from an underground source which may be a well or spring. Light mineral water shall not be altered by the addition or deletion of minerals or by blending it with water from another source, except that light mineral water may be filtered and may be disinfected by a process approved by the regulatory authority and may be treated to reduce the concentrations of any naturally occurring substances which exceed quality standards established in the Idaho Department of Environmental Quality Rules, IDAPA 58.01.08, “Rules Governing Public Drinking Water Systems,” incorporated in these rules under Section 997. Any water which meets the criteria of this Subsection may be labeled “light mineral water” or “natural light mineral water”; (6-30-95)

h. Mineral water. Water containing more than five hundred milligrams (500 mg) per liter of total dissolved solids and originating from an underground source, which may be a well or spring. Mineral water shall not be altered by the addition or deletion of minerals or by blending it with water from another source, except that mineral water may be filtered and may be disinfected by a process approved by the regulatory authority and may be treated to reduce the concentrations of any naturally occurring substances which exceed quality standards established in the Idaho Department of Environmental Quality Rules, IDAPA 58.01.08, "Rules Governing Public Drinking Water Systems," incorporated in these rules under Section 997. Any water which meets the criteria of this Subsection may be labeled "mineral water" or "natural mineral water"; (6-30-95)

i. Mineralized water. Water which meets the requirements of "mineral water," except that the water contains added minerals. Any water which meets the criteria of this Subsection may be labeled "mineralized water" or "mineral-added water"; (6-30-95)

j. Natural water. Spring, artesian well or well water which is unmodified by mineral addition or deletion, except natural water, may be filtered and may be disinfected by a process approved by the regulatory authority and may be treated to reduce the concentrations of any naturally occurring substances which exceed quality standards established in the Idaho Department of Environmental Quality Rules, IDAPA 58.01.08, "Rules Governing Public Drinking Water Systems," incorporated in these rules under Section 997. Any water which meets the criteria of this Subsection may be labeled "natural spring water," "natural artesian water," "natural well water," or "well water"; (6-30-95)

k. Naturally sparkling water. Water with a carbon dioxide content from the same source as the water. Naturally sparkling water may be bottled directly with its entrapped gas or the gas is mechanically separated from the water and later reintroduced into the water at the time of bottling. Any water which meets the criteria of this Subsection may be labeled "naturally sparkling water" or "naturally carbonated water"; (6-30-95)

l. Purified water. Water as defined in Idaho Department of Environmental Quality Rules, IDAPA 58.01.08, "Rules Governing Public Drinking Water Systems," incorporated in these rules under Section 997 and produced by distillation, deionization or reverse osmosis. Any water which meets the criteria of this Subsection may be labeled "distilled water," "deionized water" or "purified water prepared by _____" (the blank to be filled in with the method of preparation); (6-30-95)

m. Spring or spring water. Water which issues by natural forces, without external force or vacuum, out of the earth at a particular place and is not subject to contamination from surface water or exposed to the atmosphere. Spring water may be derived from the natural orifice or from a bore hole adjacent to the natural orifice. Spring water may not be altered by the addition or deletion of minerals or by blending it with water from a nonspring water source, except spring water, may be filtered and may be disinfected by a process approved by the regulatory authority. Any water which meets the criteria of this Subsection may be labeled "spring water" or "natural spring water"; and (6-30-95)

n. Well or well water. Water from a hole bored into the ground more than eighteen (18) feet in vertical depth which taps the water of an aquifer. Well water may not be altered by the addition or deletion of minerals or by blending it with water from a nonwell water source, except that the water may be filtered and may be disinfected by a process approved by the regulatory authority. Any water which meets the criteria of this Subsection may be labeled "well water" or "natural well water". (6-30-95)

02. Water Quality And Source. All bottled or bulk water, including mineral water and operations water, if separate, shall be of a safe, sanitary quality and from a water system which is constructed, protected, operated and maintained in accordance with Idaho Department of Environmental Quality Rules, IDAPA 58, Title 01, Chapter 08, "Rules Governing Public Drinking Water Systems," incorporated in these rules under Section 997. All monitoring shall be done in accordance with the requirements for public systems. Bacteriological monitoring shall be conducted at least monthly on finished water products. (6-30-95)

03. Technical Waiver For Mineral Water. Mineral water shall be permitted to contain total dissolved solids greater than five hundred milligrams (500 mg.) per liter upon satisfactory compliance with Section 900, and further provided that the label shall conspicuously state: "This water contains levels of total dissolved solids in excess

of standards for drinking water established by the Idaho State Board of Health and Welfare and, therefore, should not be used as the principal or sole source of drinking water." (6-30-95)

04. Container Labels. Examples of proposed labeling shall be submitted to the regulatory authority for review and approval prior to printing. (6-30-95)

05. Sampling, Methods And Recordkeeping. To ensure the production of safe, sanitary bottled or bulk water, the license holder or his designated person shall routinely sample and analyze for bacteriological, chemical, radiochemical and turbidity contamination in accordance with Idaho Department of Environmental Quality Rules, IDAPA 58.01.08, "Rules Governing Public Drinking Water Systems," incorporated in these rules under Section 997. All water quality analyses must be performed by a certified laboratory. All records pertaining to sampling and analysis shall be maintained in accordance with Idaho Department of Environmental Quality Rules, IDAPA 58.01.08, "Rules Governing Public Drinking Water Systems," incorporated in these rules under Section 997. (6-30-95)

06. Bulk Water Tanks. Tanks previously used to transport toxic materials, petroleum products or other deleterious substances shall not be used as bulk water tanks to haul or transport potable water. The tanks shall only be used to haul or transport potable water. Bulk water tanks shall be constructed in compliance with Section 500 and Subsection 600.01. (6-30-95)

07. Water Vending Machines. Water vending machines shall meet the requirements of Subsection 200.06.n., Section 500, et seq., as appropriate, and Section 875. (6-30-95)

08. Multi-Service Containers. Multi-service containers shall be cleaned and sanitized in accordance with Section 520, et seq., just prior to being filled. (6-30-95)

09. Filling, Capping, Closing, Or Sealing. Filling, capping, closing, or sealing of bottles or packages of water shall be mechanically done, except as may be exempted by Subsection 900.02. (6-30-95)

866. -- 869. (RESERVED).

870. SALVAGE PROCESSING ESTABLISHMENTS OR OPERATIONS.
Food salvage processing establishments or operations shall meet the requirements of this chapter in their entirety except as otherwise provided in this section. This section shall not apply to food establishments that accumulate small amounts of distressed merchandise to be returned to the distributor for credit (6-30-95)

01. Notice To Regulatory Authority. It shall be the duty of any person owning or having possession of distressed merchandise to notify the regulatory authority within twenty-four (24) hours after the merchandise becomes distressed and prior to its removal from the place at which it was located when it became distressed merchandise. If emergency removal of distressed merchandise is required, notification to the regulatory authority shall be made as soon thereafter as possible. It shall be the duty of the license holder or his designated person who operates a salvage processing business to notify the regulatory authority within forty-eight (48) hours whenever distressed merchandise is obtained. (6-30-95)

02. Embargoed Distressed Merchandise. It shall be unlawful for any person to move or remove distressed merchandise under embargo order until such order has been lifted by the regulatory authority in accordance with the provisions of Section 985. (6-30-95)

03. Intrastate Or Interstate Movement Of Distressed Merchandise. No intrastate or interstate movement of distressed or salvageable merchandise shall be made without prior approval of the regulatory authority and the responsible state agency in the state to receive such distressed or salvageable merchandise. Concurrence shall also be obtained from FDA or USDA prior to interstate movement. Such intrastate or interstate movement of distressed or salvageable merchandise shall be accompanied with a bill of lading from the transportation company showing the following information: (6-30-95)

a. From whom the distressed or salvageable merchandise was shipped; (6-30-95)

b. An account of distressed or salvageable merchandise; (6-30-95)

c. To whom the merchandise was consigned; (6-30-95)

d. Name and address of the carrier; (6-30-95)

e. Seal number; (6-30-95)

f. License or number of truck and trailer, railroad car or shipping container; (6-30-95)

g. Approximate time of arrival at destination; and (6-30-95)

h. Signature of the driver and regulatory authority. (6-30-95)

04. Handling Of Distressed Articles Other Than Food. If distressed articles other than food are also salvaged, such articles shall be handled in rooms or areas separate from those in which foods are reconditioned. (6-30-95)

05. Pet Foods. Unsalvageable or unreconditioned or unlabeled distressed merchandise shall not be sold as pet foods. Pet foods shall meet the same requirements for reconditioning as food for human consumption. (6-30-95)

06. Determination Of Acceptance Of Distressed Merchandise. Determination of acceptance of distressed merchandise for reconditioning shall be made by the regulatory authority. (6-30-95)

07. Distribution Of Nonsalvageable Distressed Merchandise. Nonsalvageable distressed merchandise shall not be sold or distributed as food or animal feed, but shall be disposed of in a manner approved by and under the supervision of the regulatory authority. (6-30-95)

08. Labeling Of Salvaged Distressed Merchandise. Labeling of salvaged distressed merchandise shall be in compliance with Subsection 100.16. (6-30-95)

09. Records. A written record or receipt of distressed, salvageable and salvaged merchandise shall be kept by the salvage processing establishment for inspection by the regulatory authority during business hours. The records shall include the name of the product, the name and address of the manufacturer or distributor, the production code, container sizes, source of the distressed merchandise, the date received, the type of damage and the salvage process conducted. These records shall be kept on the premises of the salvage processing establishment for a period of one (1) year following the completion of transactions involving a lot of merchandise. (6-30-95)

871. -- 874. (RESERVED).

875. FOOD VENDING ESTABLISHMENTS OR OPERATIONS.
Food vending establishments or operations shall meet the requirements of this chapter in their entirety except as otherwise provided in this section. (6-30-95)

01. Definitions. In addition to the definitions in Section 002 the following definitions are applicable to food vending establishments or operations: (6-30-95)

a. Controlled Location Vending Machine. A limited service vending machine which dispenses only nonpotentially hazardous foods; designed so that it can be filled and maintained in a sanitary manner by untrained persons at the location; and is intended for and used at locations in which protection against environmental contamination is assured; (6-30-95)

b. Vending Machine Location. The room, enclosure, space or area where one or more vending machines are installed and operated; and (6-30-95)

c. Vending Machine Operator. Any employee or person, who by contract, agreement or ownership,

takes responsibility for furnishing, installing, servicing, operating or maintaining one or more vending machines. (6-30-95)

02. Commissary. A commissary shall be the base of operation for all vending machine operations. Such commissary, its operations, food and employees shall meet the requirements of this chapter in their entirety. (6-30-95)

03. Vending Machine Design, Construction And Operation. Vending machines shall be designed, constructed and operated to equal or exceed NSF standards or NAMA standards, incorporated in these rules under Section 997, (14, designed/constructed/ operated, N; 15, designed/constructed/operated, N). (6-30-95)

04. Cleaning Vending Machines. Vending machines shall be cleaned in compliance with Section 520, et seq. (6-30-95)

05. Food Supplies And Protection. All food products offered for sale through vending machines shall meet the requirements of Sections 100, et seq.; 200, et seq.; and 320, et seq. (6-30-95)

06. Employees. All employees and operators involved in vending machine operations shall meet the requirements of Section 400, et seq. (6-30-95)

07. Vending Machine Identification. Each vending machine or machine location shall have posted in a prominent place a sign identifying the permit holder's name, address and telephone number. (6-30-95)

876. -- 879. (RESERVED).

880. MOBILE FOOD UNITS OR OPERATIONS.
Mobile food units or operations shall meet the requirements of this chapter in their entirety except as otherwise provided in this section. (6-30-95)

01. Definitions. In addition to the definitions in Section 002 the following definitions are applicable to mobile food units or operations: (6-30-95)

a. Full-Service Mobile Food Units. A self-contained mobile food unit constructed as a food-service establishment in full compliance with the requirements of Sections 600, et seq., and 700, et seq., and its equipment and utensils meet the requirements of Sections 500, et seq., 520, et seq., and 540; (6-30-95)

b. Limited-Service Mobile Food Units or Operations. A mobile food unit not constructed as a full-service mobile food unit as defined in Subsection 880.01.a.; (6-30-95)

c. Pushcart. A limited-service mobile food unit intended to be propelled by the operator to the sale and service location. The term does not include "motorized" vehicles, except that operator-propelled units that have been provided with small engines to assist operators in moving the units are included; and (6-30-95)

d. Vehicle. Any "motorized" conveyance (car, truck, van, bus, motorcycle, motor home, etc.) utilized as a limited-service mobile food unit upon which prepackaged food or approved unpackaged food is sold, offered for sale at retail or served. (6-30-95)

02. Commissary. A commissary shall be the base of operation for all mobile food units or operations. Such commissary, its operations, food and employees shall meet the requirements of the this chapter in their entirety. Mobile food units shall report to the commissary at least once each operating day for cleaning and servicing operations (22, clean/free, N; 23, clean, N), except: (6-30-95)

a. Full-service mobile food units need not report to the commissary each operating day, but as often as necessary to maintain the unit in a sanitary condition; or (6-30-95)

b. As otherwise approved by the regulatory authority. (6-30-95)

03. Servicing Area. (6-30-95)

a. A mobile food unit servicing area shall be provided at the commissary for supplying, cleaning or servicing operations, except that a servicing area will not be required where only packaged food is placed on a mobile food unit or pushcart or where mobile food units do not contain waste retention tanks. (6-30-95)

b. The servicing area shall be constructed in accordance with Subsection 700.01.c. and 700.01.d. and maintained in accordance with Section 700, et seq. (6-30-95)

04. Food. The preparation, sale and serving of potentially hazardous food at mobile food units is prohibited (violation code - all applicable violations), except that: (6-30-95)

a. Full-service mobile food units may prepare, sell and serve potentially hazardous food within its capability to keep such food safe as determined by the regulatory authority; (6-30-95)

b. Limited-service mobile food units and pushcarts may prepare, sell and serve frankfurters (hot dogs), chorizos, german sausage and similar foods; (6-30-95)

c. Limited-service mobile food units may sell or serve potentially hazardous food which is obtained in prewrapped individual servings from the commissary and is stored in approved facilities which maintain food at safe temperatures in compliance with Subsection 320.03, and is sold or served directly in the original prewrapped individual package; and (6-30-95)

d. Limited-service mobile food units may sell whole fresh or frozen fish; live, fresh or frozen crustaceans and fresh or frozen shellfish. Cutting, cleaning, shucking and dipping shall be prohibited (8, protection, N). (6-30-95)

05. Single-Service Articles. Mobile food units shall provide only single-service articles for use by the consumer (25, used, N). (6-30-95)

06. Limited-Service Mobile Food Unit Construction. Equipment on limited-service mobile units, including pushcarts and vehicles, shall be constructed in compliance with Section 500, et seq. Other construction, including the interior of cabinet units or compartments, shall have smooth, easily accessible and easily cleanable surfaces (15, designed/ constructed, N). Unfinished wood surfaces are not permitted (15, constructed, N). Construction joints shall be tightly fitted and sealed so as to be readily cleanable (15, constructed, N). Where food is prepared in the limited-service food unit, pushcart and vehicle, the following requirements shall be met: (6-30-95)

a. As applicable, a food compartment shall be provided and be completely enclosed. The opening to the food compartment shall be sufficiently large to permit food assembly and service operations and shall be provided with a tight fitting closure which, when closed, protects food and interior surfaces from consumer contamination, dust, debris and vectors and pests (8, protected, N; 15, constructed, N); (6-30-95)

b. A one (1) compartment metal sink shall be furnished with warm running water which is at least one hundred one degrees Fahrenheit (101F) and cold water or tempered water and be of a size suitable for washing hands (31, provided/designed, C; 27, warm/cold, C); (6-30-95)

c. Hand-cleaning liquid, powder or bar soap and individual disposable sanitary towels shall be provided (32, cleanser/towels, C); (6-30-95)

d. Cleaning and sanitizing facilities shall be provided and meet the requirements of Section 520., et seq., except if such facilities are provided and used at the commissary; (6-30-95)

e. The portable water system shall meet the requirements of Subsection 600.01; (6-30-95)

f. The liquid waste shall be stored in a permanently installed retention tank which meets the requirements of Subsection 600.02, and be properly disposed; and (6-30-95)

g. Those units handling unpackaged whole fish, crustaceans and shellfish on ice shall comply with the requirements of Subsection 600.02, for drainage of wastewater from display and storage compartments. (6-30-95)

07. Additional Requirements And Waiver. The regulatory authority may impose additional requirements to protect against health hazards related to the operation of mobile food units or operations, may prohibit sale of some menu items or limit preparation steps and when no health hazard will result, may waive or modify requirements upon satisfactory compliance with Section 900. (6-30-95)

881. -- 884. (RESERVED).

885. TEMPORARY FOOD ESTABLISHMENTS OR OPERATIONS.
Temporary food establishments or operations shall meet the requirements of this chapter in their entirety except as otherwise provided in this section. (6-30-95)

01. Food. The preparation, sale and serving of potentially hazardous food at a temporary food establishment is prohibited (all applicable violations), except that: (6-30-95)

a. Potentially hazardous food that requires limited preparation, such as hamburgers and frankfurters (hot dogs) that require only seasoning and cooking may be sold and served; (6-30-95)

b. Potentially hazardous food which is obtained in prewrapped individual servings from the commissary and is stored in approved facilities which maintain food at safe temperatures in compliance with Subsection 320.03, and is sold or served directly in the original prewrapped individual package is acceptable (3, temperature, C; 8, service, N); and (6-30-95)

02. Commissary. Off-site food preparation shall be done in an approved commissary. Such commissary, its operations, food and employees shall meet the requirements of the this chapter in their entirety. No food stored or prepared in a private home or unapproved facility shall be sold, offered for sale, served or given away from a temporary food establishment or operation (1, source, C). (6-30-95)

03. Equipment. Equipment used at temporary food establishments shall: (6-30-95)

a. Be constructed to meet the requirements of the regulatory authority; and (6-30-95)

b. Be located and installed in a manner that prevents contamination of food and facilitates cleaning (14, located, 2; 15, located, N); and (6-30-95)

c. Have food contact surfaces protected from contamination by consumers and other contaminating agents through the use of effective shields (15, designed/constructed, N). (6-30-95)

04. Single-Service Articles. Temporary food establishments or operations shall provide only single-service articles for use by the consumer (25, use, N). (6-30-95)

05. Physical Facilities. The physical facilities of temporary food establishments or operations shall meet the following requirements: (6-30-95)

a. Floors shall be constructed of concrete, machine-laid asphalt, tight wood or other similar cleanable material, except that dirt or gravel, graded to drain, may be used provided it is covered with removable platforms, duckboards, wood chips, wood shavings or other suitable materials effectively treated to control dust (36, constructed, N); (6-30-95)

b. Walls and ceilings shall be constructed of any material that protects the interior from the weather (36, constructed, N); (7-1-95)

c. Openings to the outer air need not be closed or screened; and (6-30-95)

d. A conveniently located handwashing facility shall be available in the temporary food establishment

or operation for employee handwashing (31, convenient, C). This facility shall consist of, at least, warm running water, soap and individual disposable sanitary towels (27, warm/running, C; 32, cleanser/ towels, C). (6-30-95)

06. Water Supply. Enough potable water from an approved water supply system shall be available in the temporary food establishment or operation for food preparation, for cleaning and sanitizing utensils and equipment and for handwashing (27, sufficient, C). A heating facility capable of producing enough hot water for these purposes shall be provided on the premises (27, sufficient, C). (6-30-95)

07. Sewage Disposal. All sewage, including liquid waste, shall be disposed of in accordance with Subsection 600.02. (6-30-95)

08. Additional Requirements And Waiver. The regulatory authority may impose additional requirements to protect against health hazards related to the operation of temporary food establishments or operations, may prohibit the sale of some menu items or limit preparation steps and when no health hazard will result, may waive or modify requirements upon satisfactory compliance with Section 900. (6-30-95)

09. Exemption. The person(s) in charge of a temporary food establishment or operation shall be exempt from the knowledge demonstration requirement of Subsection 400.02, provided the person(s) in charge participates in any food protection education training identified in Subsection 930.01. (6-30-95)

886. -- 889. (RESERVED).

890. UNSPECIFIED FOOD ESTABLISHMENTS OR OPERATIONS.
Food establishments or operations not specified in Sections 850, et seq., 855, et seq., 860, et seq., 865, et seq., 870, et seq., 875, et seq., 880, et seq. and 885, et seq. shall meet the requirements of this chapter in their entirety. (6-30-95)

891. -- 899. (RESERVED).

900. TECHNICAL WAIVERS AND MODIFICATIONS.
The regulatory authority may impose additional requirements as necessary to protect against public health hazards, and when no health hazards result, may waive or modify the requirements of these rules as a condition of the food establishment's license to operate. Implementation of technical waivers and modifications shall be as follows: (6-30-95)

01. Specific Technical Waivers. Technical waivers and modifications specific to unique circumstances of an individual food establishment or operation may be issued by the Director's designee; (6-30-95)

02. Non-Specific Technical Waivers. Technical waivers and modifications which are non-specific to an individual food establishment or operation may only be made by the responsible program agency, under the direction of the Director; and (6-30-95)

03. Technical Waiver Documentation. The information that is to be retained in the regulatory authority's file when the requirements of these rules are modified or waived includes: (6-30-95)

a. A citation, by section number of these rules, of the rationale for considering a modification or waiver of the requirement; (6-30-95)

b. An analysis of the potential public health hazards and issues associated with the proposed action; (6-30-95)

c. Scientific data and information, as appropriate, showing that food safety or public health will not be compromised by the proposed action; (6-30-95)

d. A statement confirming that the waiver or modification is consistent with the intent of these rules; and (6-30-95)

e. Where applicable, a statement of standard procedures for the operation or process under

consideration, clearly specifying critical control points and monitoring procedures which will be routinely checked by the person in charge and which may be easily confirmed by the regulatory authority. (6-30-95)

901. -- 909. (RESERVED).

910. PLAN REVIEW.
Whenever a food establishment is constructed or extensively altered or whenever an existing structure is converted for use as a food establishment or a new operation is to be added, properly prepared plans and specifications shall be submitted to the regulatory authority for review and approval before construction, altering, conversion or new operation is started. Any construction or altering completed without proper submission of plans shall satisfy all regulatory requirements prior to receipt of a license. (6-30-95)

01. Plans And Specifications. Plans and specifications for construction, altering, conversion and change of operation shall include but are not limited to, site plan; floor plan; mechanical plan; plumbing plan; construction materials for floors, walls and ceilings; location, size and type of fixed equipment and facilities; design, type, make and model for equipment in proposed food processing, preparation, service and warewashing areas; and information regarding the intended menu or operation plans including storage, preparation, processing, cooking, holding, serving, cooling and warewashing; and HACCP plans in accordance with Appendix B, if applicable. (6-30-95)

02. Supplemental Plans And Specifications. Additional plans and specifications shall be provided to the regulatory authority as determined necessary to properly conduct a plan review. (6-30-95)

03. Plan Review Form. The regulatory authority shall utilize a Department-approved plan review form or checklist during the plan review. Such plan review form or checklist shall be completed and retained by the regulatory authority for three (3) years. (6-30-95)

04. Plan Review Response. The complete set of plans and specifications required by the regulatory authority shall be approved or denied within twenty (20) working days after receipt by the regulatory authority and the applicant shall be notified of the decision. Should the regulatory authority not take action on the complete set of plans and specifications within the twenty (20) working days, the plans and specifications shall be deemed to have been approved. (6-30-95)

05. Preoperational Inspection. Whenever plans and specifications for the construction, altering, conversion and change of operation of a food establishment are submitted to the regulatory authority, the regulatory authority shall inspect the completed establishment prior to the start of operations to determine compliance with approved plans and specifications, as identified in Subsections 910.01 and 910.02. The written request for a preoperational inspection shall allow fifteen (15) days to respond as provided in Section 39-1603, Idaho Code. (6-30-95)

06. Confidentiality. Plans and specifications submitted to the regulatory authority in accordance with Section 910., et seq., are to be treated as confidential or trade secret information in accordance with Sections 48-801 et seq., Idaho Code. (6-30-95)

911. -- 919. (RESERVED).

920. LICENSURE.
No person shall operate a food establishment who does not have a valid license issued to him by the regulatory authority, when no other state or federal food safety inspection or license is required. (7-1-98)

01. Application Procedure. Any person desiring to operate a food establishment shall make written application for a license on forms provided by the regulatory authority and pay a license fee in the amount of fifty-five dollars ($55) as provided for by Title 39, Chapter 16, Idaho Code. (7-1-98)

a. An application for a license is to be made not less than fifteen (15) days before the date planned for opening a new establishment or change of ownership. (6-30-95)

b. The applicant for a license must be the legal owner or the agent of the legal owner of the food establishment. (6-30-95)

c. The application is to include the name and mailing address of the applicant; the form of ownership of the food establishment; the type of food establishment to be operated; the name, mailing address and location of the food establishment; the signature of the individuals comprising the legal ownership or the agent of the legal owner; such other information as may be required by the regulatory authority; and the license fee. An application without the license fee is not complete and cannot be processed. (7-1-98)

d. Annual renewal of the food establishment license is required. The license shall expire December 31st of each year. A renewal application and license fee must be submitted by December 1st of each year for the forthcoming year which starts January 1st. (7-1-98)

02. License Issuance For A New Food Establishment. A license shall be issued to a new food establishment when: (6-30-95)

a. The required plans, specifications and information requested by the regulatory authority have been reviewed and approved; (6-30-95)

b. The properly completed application has been submitted and license fee receipted; and (7-1-98)

c. A preoperational inspection has shown that the establishment has been built or remodeled in accordance with approved plans and specifications, and it is ready for operation in accordance with all provisions of these rules. (6-30-95)

03. License Issuance For An Existing Establishment. A license shall be issued to an existing food establishment when: (6-30-95)

a. The properly completed application has been submitted and license fee receipted; and (7-1-98)

b. A preoperational inspection has shown that the establishment is in compliance with all provisions of these rules, except that an existing compliance schedule shall be recognized, and the establishment is ready for operation in accordance with all provisions of these rules. (6-30-95)

04. Number Of Licenses. No food establishment shall have more than one (1) license except: (6-30-95)

a. Where multiple licenses would be prudent and equable as determined by the license holder and the regulatory authority; (7-1-98)

b. Where more than one (1) license is allowed, such common operations and areas (restrooms, refuse disposal facilities, etc.) shall be recognized as part of each licensed establishment; and (7-1-98)

c. Should the license holder of a food establishment, having more than one (1) operation, division or department on the premise and under the same ownership, wish to have all such operations, divisions or departments reflected on one license, and such operations, divisions or departments inspected separately, the request shall be granted, provided the following qualifications and requirements are met: (7-1-98)

i. Each operation, division or department is essentially separate from any other operation, division or department in the food establishment and can function independently; (7-1-98)

ii. Each operation, division or department is sufficiently large enough to have a manager who is specifically responsible for the activities of the particular operation, division or department and none other; (7-1-98)

iii. Such common operations and areas (restrooms, refuse disposal facilities, etc.) shall be recognized as part of each operation, division or department; (7-1-98)

iv. The license holder of the food establishment recognizes that each such operation, division or department will be inspected and regulated as a separate entity; (7-1-98)

v. The license holder shall be ultimately responsible for regulatory action and enforcement fees associated with the enforcement of the rules should such operations, divisions or departments fail to comply with these rules. Such regulatory action shall be done in accordance with Sections 960, 970 and 976 of these rules; and (7-1-98)

vi. Regulatory action against the license holder shall commence upon failure of the operation, division or department to satisfy Subsection 960.02.b. and it becomes necessary to enforce Subsection 960.02.c. (7-1-98)

05. Terms And Conditions Of A License. The license holder upon acceptance of the license issued by the regulatory authority shall: (6-30-95)

a. Comply with the provisions of these rules, technical waivers and modifications, and the directives of the regulatory authority; (6-30-95)

b. Allow representatives of the regulatory authority warrantless access to the food establishment during hours of operation unannounced, in order to determine whether the food establishment is in compliance with these rules in accordance with Subsection 940.05; (7-1-98)

c. Accept notices issued and served by the regulatory authority in accordance with Section 970; (6-30-95)

d. Be subject to the administrative, civil, injunctive and criminal remedies authorized by these rules for failure to comply with the provisions of these rules or an order, warning or directive of the regulatory authority; (6-30-95)

e. Post the license in a conspicuous place of the food establishment; (6-30-95)

f. Immediately contact the regulatory authority in the event of a foodborne or waterborne outbreak, fire, flood, extended interruption of potable water or electrical service or other emergency in the food establishment which may affect food safety; (6-30-95)

g. Comply with any order, warning or directive issued by the regulatory authority in response to individual food establishment or community-wide emergencies; and (6-30-95)

h. Replace any identified existing equipment or utensils allowed by Subsection 500.16, with equipment and utensils which fully comply with these rules when directed by the regulatory authority, or when replaced in normal course of operation. (6-30-95)

06. Copy Of The Terms And Conditions. The regulatory authority shall provide a written copy of the terms and conditions applicable to a license at the time the license is issued, except that failure to provide this information will not prevent the regulatory authority from taking any authorized action upon the failure of the license holder to comply with these rules or any other order, warning or directive of the regulatory authority. (6-30-95)

07. Copy Of Rules. The regulatory authority shall make available to the license holder a copy of these rules for his reference and compliance requirements. (6-30-95)

08. License Not Transferable. A license is not transferable. An application for a new license is required when there is a change in food establishment ownership, location or type of business or operation. (6-30-95)

09. Temporary Food Establishment License. License for a temporary food establishment, as defined in Subsection 005.140, shall be valid for no more than fourteen (14) days. (7-1-98)

10. Operation And Restrictions Specified. The type of operation or restrictions shall be specified on the license. (6-30-95)

921. -- 929. (RESERVED).

930. FOOD SAFETY AND SANITATION TRAINING.
In accordance with Subsection 400.02, each food establishment shall have employed at least one (1) employee who is in a supervisory position and who is trained in food safety and sanitation and shall have employed food workers who are trained in food safety and sanitation which is commensurate to each food worker's responsibilities. (6-30-95)

01. Acceptable Training. For compliance with these rules, the following training shall be considered acceptable by the regulatory authority: (6-30-95)

a. The supervisory employee(s) shall complete a course of instruction or training in food safety and sanitation which emphasizes the critical violations as identified in Subsection 005.26 and HACCP principles as identified in Appendix B; and such training or instruction has been approved by the responsible program agency. Examples of instruction or training are as follows: (6-30-95)

i. National food industry instruction or training such as provided by the Food Marketing Institute (FMI), National Assessment Institute, National Restaurant Association, Super Market Institute (SMI), Food Processors Institute, American Institute of Baking and American Hotel and Motel Association Educational Institute; ASI Food Safety Consultants, Inc.; (6-30-95)

ii. Food industry training provided by companies for their employees; (6-30-95)

iii. Community college vocational training; (6-30-95)

iv. Regulatory authority instruction or training; and (6-30-95)

v. Home study courses of instruction. (6-30-95)

vi. Instruction or training provided by a private consultant. (6-30-95)

vii. Cooperative Extension Agency. (6-30-95)

b. The food worker(s) shall complete instruction or training in food safety and sanitation which emphasizes the critical violations as identified is Subsection 005.26 which is commensurate to all the duties of the food worker(s). Such training shall be based on standards issued by the responsible program agency; (6-30-95)

02. Demonstration Of Knowledge. Demonstration of knowledge shall be as follows: (6-30-95)

a. Each employee with supervisory duties shall demonstrate knowledge of food safety and sanitation by successfully completing certification requirements of the course of instruction or training taken and obtain a certificate or other official record supporting the demonstration of knowledge. (6-30-95)

b. The license holder which employs the food worker(s) shall confirm and document a demonstration of knowledge of the food worker(s) by complying with the following procedures: (6-30-95)

i. Confirming the food worker(s) knowledge of food safety and sanitation as identified in Subsection 930.01.b. in a manner acceptable to the license holder; and (6-30-95)

ii. Recording on a food worker training confirmation form, which shall be provided by the responsible program agency, for each food worker, signatures by the food worker and the license holder or the license holder's designee, confirming the food worker's satisfactory demonstration of knowledge; and (6-30-95)

iii. Maintaining the food worker training confirmation form in the file of each food worker during the period of time the food worker is an employee of the food establishment; and (6-30-95)

iv. Making the completed food worker training confirmation form of any food worker available to the

regulatory authority upon request for inspection; and (6-30-95)

v. Recording the total number of food workers trained during the year on the annual license renewal application identified in Subsection 920.01.d. (6-30-95)

03. Certificates. A certificate, issued by the responsible program agency, shall be required only of the supervisory employee(s) completing training in compliance with this section. The responsibility for such certificates shall be that of the supervisory employee(s) and shall be made available to regulatory authority upon request for inspection. (6-30-95)

04. Demonstration Of Knowledge Updated. The supervisory employee(s) of a food establishment which requires an enforcement inspection shall update their demonstration of knowledge by complying with Subsections 930.01.a. and 930.02 within thirty (30) days from the date of the enforcement inspection, except that when a food establishment's license is revoked, such compliance with this subsection shall be accomplished before food operations in the establishment can resume. Otherwise, demonstration of knowledge need not be updated unless requested by the license holder or the license holder's designee. (6-30-95)

05. Training Completion Schedule. Food safety and sanitation training shall be completed within thirty (30) days of employment, change of duties or advancement, except that more than thirty (30) days shall be granted to supervisory employees who participate in instruction or training that are more than thirty (30) days in duration. Supervisory employees who participate in such instruction or training shall provide proof of registration. (6-30-95)

931. -- 939. (RESERVED).

940. INSPECTIONS.

01. The Regulatory Authority Shall Conduct Inspections. The regulatory authority shall conduct inspections of every food establishment not subject to other state or federal food safety inspections to determine compliance or lack of compliance with these rules, as provided for by Title 39, Chapter 16, Idaho Code. (7-1-98)

02. Frequency Of Inspections. An unannounced complete regular inspection of a food establishment is to be performed as follows (as based on the risk type identified in appendix A): (7-1-97)

a. Medium-risk and high-risk food establishments shall be inspected as often as deemed necessary by the regulatory authority, unless otherwise designated in Subsection 940.03; and (7-1-98)

b. Low-risk food establishments will not be regulated by these rules. However, nothing shall prohibit the regulatory authority from visiting such low-risk food establishments to determine their current status; and should any low-risk food establishment have expanded its operation to meet the criteria of a medium-risk or high-risk food establishment, the most responsible person shall be advised and appropriate action shall be taken to have the food establishment properly licensed and inspected. (7-1-98)

03. Additional And Other Inspections. Additional inspections shall be performed based upon assessments of potential risks of foodborne illness including a history of critical violations and numerous or repeat noncritical violations of these rules; the hazards associated with the particular foods being processed, prepared, stored or served; the methods and extent of food processing, preparation, storage and service; and the number and demographic characteristics of the food's consumers. Preoperational inspections, follow-up inspections, enforcement inspections, HACCP inspections and other investigations are to be conducted in accordance with the applicable provisions of these rules. Such inspections and investigations shall be unannounced, except as determined necessary by the regulatory authority for specific purposes in compliance with these rules. (7-1-98)

04. Access. The regulatory authority representative, upon presentation of proper credentials, shall be permitted warrantless access to the premises of any food establishment during hours of operation unannounced in order to determine if it is in compliance with these rules. Failure to grant access is justifiable cause for the food establishment's operating license to be revoked pursuant to Subsection 960.01.b. (6-30-95)

05. Degree Of Compliance Determination. The regulatory authority representative is to determine the degree of compliance by examining the food, including sampling as necessary; and by inspecting the equipment, the utensils, the facilities; the operations including storage, processing, preparation, cooking, holding, serving, cooling, cleaning and pest control; the employee's health and practices; HACCP records as applicable; the records related to foods processed or purchased and other records required by the regulatory authority; and confirm that employees with supervisory duties and food workers have satisfactorily complied with training requirements. (6-30-95)

06. Inspection Report Forms. Only inspection report forms approved by the responsible program agency are to be used to report the findings of food establishment inspections. (6-30-95)

07. Regular Inspection Report. The regular inspection report form shall be completed as follows: (6-30-95)

a. All remarks shall be referenced by the specific section number of these rules that have been violated; and (6-30-95)

b. Remarks shall list the violations and shall specify a reasonable period of time for the correction of the violations as provided in Section 950; and (6-30-95)

c. The inspection score shall consist of the total number of critical violations (a score of zero (0) being a perfect score), except that a score shall not be provided when: (6-30-95)

i. The inspection is a follow-up inspection or an enforcement inspection subsequent to a regular inspection and the only purpose of the inspection is to determine whether the violations have been corrected, in which case only those areas alleged to be in violation need be inspected; or (6-30-95)

ii. The regulatory authority has received a complaint about an alleged violation or violations, in which case the inspection need only cover the alleged violation(s); or (6-30-95)

iii. The inspection is to fulfill a specific purpose other than a routine inspection as determined by the regulatory authority. (6-30-95)

08. Follow-Up Inspections. On-site follow-up inspections shall be conducted according to the following schedule: (6-30-95)

a. Following a regular inspection which revealed the number of critical or noncritical violations exceed the maximum number identified in the food establishment risk criteria of Appendix A of these rules; and (6-30-95)

b. An on-site follow-up inspection may not be required should the number of critical or noncritical violations not exceed the maximum number identified in the food establishment risk criteria of Appendix A and the regulatory authority chooses to accept a written report of correction from the license holder. When requested, it shall be the duty of the license holder to submit the written report, stating that specified violations have been corrected, to the regulatory authority within five (5) days after the correction date identified on the inspection report. (6-30-95)

09. Enforcement Inspections. Should a follow-up inspection reveal that critical or noncritical violations identified on the previous regular inspection have not been corrected or should a regular inspection reveal that critical or noncritical violations identified on the previous regular inspection have not been corrected or still exist, an enforcement inspection shall be made and the following subsections shall apply: (6-30-95)

a. The license holder shall receive written notice on the inspection form that an enforcement inspection shall be made on a specific date, which shall be within fifteen (15) days of the current regular or follow-up inspection and should the violations not be corrected at that time, regulatory action will be initiated to revoke or suspend the license issued to the food establishment in accordance with Section 960 of these rules; and (6-30-95)

b. The food establishment shall pay for such enforcement inspection(s) at the current Department/

Director's designee rate and the monies collected shall be deposited to the Idaho General Fund. Such Department/ Director's designee rate shall be posted in a conspicuous place in the offices of the responsible program agency and Director's designee; and (6-30-95)

c. Should additional enforcement inspections be necessary to correct such violations identified in Subsection 940.09, Subsection 940.09.b. shall apply to each and every enforcement inspection made. (7-1-98)

10. HACCP Inspections. A HACCP inspection shall be made by the regulatory authority in lieu of a regular complete inspection as a result of a contractual agreement between the license holder and the regulatory authority for such inspections. The following shall apply to HACCP inspections: (6-30-95)

a. The license holder of the food establishment agrees to do the following: (6-30-95)

i. Prepare and follow, at all times, a HACCP plan, according to formal procedures identified in Appendix B of these rules, for each of the potentially hazardous foods processed, prepared or sold by the food establishment; and (6-30-95)

ii. Make, according to the license holder's own designated schedule, two (2) regular inspections annually, using forms provided by the responsible program agency, and making necessary corrections of violations found; and (6-30-95)

iii. Maintaining a file of such license holder inspections and HACCP records as identified in Appendix B of the rules in the food establishment and such file shall be made available to the regulatory authority upon request for inspection. (6-30-95)

b. The regulatory authority agrees to make a HACCP inspection which will consist of the following: (6-30-95)

i. Verify that the food establishment is following the approved HACCP plan for a potentially hazardous food being processed, prepared or sold at the time of the inspection; and (6-30-95)

ii. Review the license holder inspections and HACCP records on file. (6-30-95)

c. Should the HACCP inspection reveal noncompliance with the contractual agreement, a complete regular inspection shall be immediately conducted. (6-30-95)

11. Epidemiological Investigations. In accordance to Title 37, Chapter 1, Idaho Code, Idaho Food, Drug and Cosmetic Act and Idaho Reportable Diseases, IDAPA 16.02.10, incorporated in these rules under Section 997, any food establishment regulated by these rules or not shall be subject to epidemiological investigations when a foodborne disease outbreak is suspected. (7-1-98)

12. Completed Inspection Report. A copy of the completed inspection report form shall be given to the license holder or person in charge at the conclusion of the inspection, except on a regular or follow-up inspection which requires an enforcement inspection, a copy of the report shall be mailed to the license holder if he is not present at time of the inspection. (6-30-95)

13. Inspection Report Public Record. Any completed inspection report is to be treated as a public document and shall be made available for public disclosure to any person who requests it according to law. (6-30-95)

14. Qualified Inspectors. Inspections of food establishments for regulatory purposes shall be made by Idaho licensed environmental health specialists or persons having appropriate professional training and who are authorized agents of the regulatory authority. (6-30-95)

941. -- 949. (RESERVED).

950. CORRECTION OF VIOLATIONS.
The inspection report(s) identified in Section 940, shall specify a reasonable period of time for the correction of the

violations. Correction shall be as follows: (6-30-95)

01. Regular Inspections. Violations identified on regular inspections shall be corrected as follows: (6-30-95)

a. All critical violations shall be corrected within ten (10) days following the inspection unless a shorter period of time is set by the regulatory authority; and (6-30-95)

b. All noncritical violations shall be corrected within ninety (90) days following the inspection unless a shorter period of time is set by the regulatory authority; and (6-30-95)

c. As determined by the regulatory authority, the period of time for the correction of structural violations may be extended beyond ninety (90) days by written agreement with the license holder. (6-30-95)

02. Follow-Up Inspections. Violations identified on follow-up inspections shall be corrected prior to an enforcement inspection which shall be within fifteen (15) days following the follow-up inspection unless a shorter period of time is set by the regulatory authority. (6-30-95)

03. Enforcement Inspections. No correction plan is specified for identified violation(s) during an enforcement inspection. This inspection is an enforcement action prior to the regulatory authority taking regulatory action in accordance with Section 960 of these rules or for satisfying a compliance schedule arranged in accordance with Subsection 960.02.b. (6-30-95)

04. Existence Of Imminent Health Hazard. Should an imminent health hazard exist, the regulatory authority shall order the food establishment immediately to close or to cease one (1) or more particular operations as provided in Subsection 960.04, and the food establishment shall not open or resume operations until the regulatory authority has confirmed that conditions responsible for the order no longer exist. (6-30-95)

05. Temporary Food Establishments. All violations found during inspection of any temporary food establishment shall be corrected within twenty-four (24) hours unless a shorter period of time is set by the regulatory authority. Failure of the establishment to correct such violations within the specified period of time, the establishment shall immediately cease operations until the regulatory authority has determined that conditions responsible for the order to cease operations no longer exist. (6-30-95)

06. Suspected Employee Infections. When the regulatory authority has reasonable cause to suspect an employee of a food establishment has possibly transmitted a disease, may be infected with a disease or a carrier of organisms that causes such disease as identified in Subsection 400.03, the regulatory authority may act by: (6-30-95)

a. Securing a confidential morbidity history of the suspected employee or making any other investigation as indicated; and requiring appropriate medical examinations, including specimens for laboratory analysis of the suspected employee and other employees in the food establishment; and (6-30-95)

b. Issuing an order to the suspected employee or license holder based upon the findings of an investigation instituting one (1) or more of the following control measures: (6-30-95)

i. Immediately excluding the employee from any food establishment; (6-30-95)

ii. Restricting the employee's services to specific areas and tasks in a food establishment where there is no risk of transmitting the disease; and (6-30-95)

iii. Suspending the license in accordance with Subsection 960.04, and closing the food establishment until, in the opinion of the regulatory authority, no further danger of the disease exists. (6-30-95)

951. -- 959. (RESERVED).

960. REVOCATION OR SUMMARY SUSPENSION OF LICENSE.
Pursuant to Section 67-5214, Idaho Code, the regulatory authority may revoke or temporarily suspend the license

issued to a food establishment if the license holder fails to comply with these rules or if the operation constitutes a substantial hazard to public health. (6-30-95)

01. Causes For Revocation Of License. The regulatory authority may revoke the license of food establishment when the license holder, person(s) in charge or employee of the food establishment: (6-30-95)

a. Violates any term or condition of a license as specified in Subsection 920.05; (6-30-95)

b. Denies access to, interferes with or obstructs an employee, agent, contractor or other representative of the regulatory authority who is performing duties for the regulatory authority; (6-30-95)

c. Allows a public health hazard or critical violation to remain uncorrected after the health hazard or critical violation has been identified by the regulatory authority and an enforcement inspection confirms the existence of the public health hazard or critical violation; (6-30-95)

d. Allows a noncritical violation to remain uncorrected after the noncritical violation has been identified by the regulatory authority and an enforcement inspection confirms the existence of the noncritical violation; (6-30-95)

e. Fails to comply with a regulatory authority's order issued as a result of a hearing for an administrative remedy; (6-30-95)

f. Fails to comply with a summary suspension order issued by the regulatory authority pursuant to Subsection 960.04 through 960.06; (6-30-95)

g. Fails to comply with an embargo order issued pursuant to Section 985; (6-30-95)

h. Fails to comply with a regulatory authority order issued pursuant to Subsection 950.04, concerning an employee suspected of having a communicable disease; (6-30-95)

i. Fails to pay for any and all enforcement inspections of the regulatory authority within fifteen (15) days after the second notice by the regulatory authority. Such second notice shall be served in compliance with Subsection 970.01; and (6-30-95)

j. Should enforcement inspections be necessary on a license holder two (2) out of three (3) regular inspections. (6-30-95)

02. Revocation Procedure. The following procedure shall be taken by the regulatory authority when revoking a license: (6-30-95)

a. Notify the license holder of the food establishment of the intended revocation action and request the attendance of the license holder or the license holder's designee to an informal meeting to review the facts which justifies revocation action; (6-30-95)

b. Should a meeting with the license holder or the license holder's designee result in a satisfactory compliance schedule without proceeding with the revocation action, all such inspections by the regulatory authority to satisfy the compliance schedule shall be considered enforcement inspections until the next regular inspection; (6-30-95)

c. Should Subsection 960.02.b. not be successful, the regulatory authority shall give written notice to the license holder describing the specific reasons for the intended revocation with reference to the sections of these rules which are in violation; and (6-30-95)

d. Give written notice that the revocation will become effective ten (10) days following service of notice unless a written request for a formal appeal hearing is received by the regulatory authority within the ten (10) day period. If no request for a hearing is filed within the ten (10) day period, the revocation will become final; and (6-30-95)

e. Provide the name and address of the regulatory authority representative to whom a request for an appeal hearing can be made in accordance with Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, Sections 000, et seq., "Rules Governing Contested Cases and Declaratory Rulings". (6-30-95)

03. Application After Revocation. After the revocation of a license becomes final, the license holder may make written application for a new license, as set out in Section 920. The regulatory authority shall consider the factors causing the initial revocation when deciding if the license will be reissued. (6-30-95)

04. Causes For Summary Suspension Of License. (6-30-95)

a. The regulatory authority may suspend a license to operate a food establishment when it determines through inspection, examination of food, records, employees or other means, as provided in these rules, that the principles of food safety, foodborne illness prevention and environmental health cannot be assured in the continued operation of the food establishment and an imminent health hazard exists. (6-30-95)

b. The license may be summarily suspended without prior warning, notice of hearing or hearing upon providing written notice of the summary suspension to the license holder or person in charge. (6-30-95)

05. Summary Suspension Procedure. The following procedure shall be taken by the regulatory authority when suspending a license: (6-30-95)

a. Give written notice to the license holder describing the specific reasons for summary suspension with reference to the sections of these rules which are in violation; and (6-30-95)

b. State that the food establishment license is immediately suspended and that all food operations are to immediately cease; and (6-30-95)

c. Provide the name and address of the regulatory authority representative to whom a written request for reinspection can be made and who can certify that reasons for the suspension have been eliminated; and(6-30-95)

d. State that the license holder has the right to an appeal hearing governed by the provisions of Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, Sections 000, et seq., and Section 407, "Rules Governing Contested Case Proceedings and Declaratory Rulings," upon submission of a written request within ten (10) days of receiving the suspension notice; and (6-30-95)

e. State that proceedings for the revocation of the license shall be promptly instituted by the regulatory authority after suspension, if the violations are not immediately corrected. (6-30-95)

06. Effect Of Summary Suspension. The summary suspension will remain in effect until the conditions cited in the notice of suspension no longer exist and their elimination has been confirmed by the regulatory authority during a reinspection. The regulatory authority will conduct a reinspection of the food establishment within two (2) workdays of receiving a written request. (6-30-95)

07. Reinstatement of License After Suspension. The suspended license is to be reinstated immediately if the reinspection by the regulatory authority determines that the public health hazard no longer exists and a notice of reinstatement is to be provided to the license holder or person in charge. (6-30-95)

961. -- 969. (RESERVED).

970. NOTICES.

01. Properly Served Notice. A notice provided for in these rules is properly served by any of the following methods: (6-30-95)

a. Personally delivering the notice to the license holder or the manager, operator or person in charge of the food establishment; (6-30-95)

b. Sending the notice to the license holder's last known address by registered or certified mail, or by other public means so that a written acknowledgement or receipt may be acquired; (6-30-95)

c. Complying with any manner of service authorized for serving a civil process on an individual or organization, as appropriate; and (6-30-95)

d. Having the notice personally served by any officer, employee or agent of the regulatory authority, law enforcement officer or any individual authorized to serve a civil process. (6-30-95)

02. Notices For Summary Suspension Or Embargo Order. A summary suspension order or embargo order shall be delivered personally to the license holder or person in charge, or the order may be clearly posted at a public entrance to the food establishment provided a copy of the notice is also sent by first-class mail to the permit holder or to the owner or custodian of the food, as appropriate. (6-30-95)

03. Effective Time Of Notice. Service is effective at the time of the notice's receipt or if service is made under Subsection 970.02, at the time of posting the notice. (6-30-95)

971. -- 975. (RESERVED).

976. CRIMINAL AND CIVIL PROCEEDINGS.
The regulatory authority may seek to enforce the provisions of these rules and its administrative orders through a court of competent jurisdiction. (6-30-95)

01. Criminal Proceedings. Misdemeanor proceedings to enforce these rules, regulations and the enabling statutes may be instituted as provided by law. Sections 37-117, 37-119, 37-2103, Idaho Code; and Sections 39-108, 39-109, 39-1606, and 56-1008, Idaho Code, provide for fines or terms of imprisonment to be sought in a court of competent jurisdiction. (6-30-95)

02. Civil Proceedings. As provided in Section 39-108, Idaho Code, civil enforcement actions shall be commenced and prosecuted in the district court in and for the county in which the alleged violation occurred, and may be brought against any person who is alleged to have violated any enabling statute or any rule, regulation, license or order which has become effective pursuant to this chapter. Such action may be brought to compel compliance with any rule, regulation, license or order promulgated hereunder and for any relief or remedies authorized in this chapter. (6-30-95)

03. Injunctive Relief. In addition to any other remedy provided by law, the regulatory authority may seek an injunction in the name of the state against any person or entity to enjoin any violation of these rules, administrative orders or statutes. (6-30-95)

977. -- 979. (RESERVED).

980. GRADING OF EATING AND DRINKING ESTABLISHMENTS.
The use of grade designations to indicate degrees of compliance with these rules shall only be allowed when approved by the Department. (6-30-95)

981. -- 984. (RESERVED).

985. EXAMINATION, EMBARGO AND DESTRUCTION OF CONTAMINATED FOOD.
The regulatory authority may examine, sample and test any food in order to determine the food's compliance with the provisions of these rules and may embargo any food that may be unsafe, adulterated, unsound, not labeled in accordance with law, originating from unapproved sources or otherwise not in compliance with the provisions of these rules and Section 37-118, Idaho Code. (6-30-95)

01. Embargo Order. An embargo order may be issued by the regulatory authority to the license holder or other person who owns or controls the food without prior warning. The embargo notice shall: (6-30-95)

a. State that food subject to the embargo shall not be used, sold, moved from the food establishment or destroyed without a written release of the embargo from the regulatory authority; (6-30-95)

b. State the specific reasons for placing the food under embargo with reference to the applicable sections of these rules; (6-30-95)

c. Completely identify the food embargoed by the common name, the label information, a container description, the quantity, regulatory authority's tag or label identification information or location; (6-30-95)

d. State that the regulatory authority may order the destruction of the food if a timely request for an appeal hearing is not received. (6-30-95)

e. State that the license holder has the right to an appeal hearing upon submitting a written request to the regulatory authority within ten (10) days of receipt of this notice; and (6-30-95)

f. Provide the name and address of the regulatory authority representative to whom a request for an appeal hearing can be made in accordance with the provisions of Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, Sections 000, et seq., "Rules Governing Contested Case Proceedings and Declaratory Rulings". (6-30-95)

02. Tagging Embargoed Food. The regulatory authority will securely place an official tag or label on the food or containers or otherwise identify any food subject to the hold order. (6-30-95)

03. Storage Of Embargoed Food. The regulatory authority shall permit storage of food under conditions specified in the embargo order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished. (6-30-95)

04. Removal Of Embargo Tags. Only the regulatory authority shall remove embargo tags, labels or other identification from food under embargo. (6-30-95)

05. Adulterated Or Misbranded Food. The regulatory authority may order the license holder or other person who owns or has custody of adulterated or misbranded food to destroy, denature or recondition the food under the supervision of the regulatory authority. (6-30-95)

06. Embargo Release. The regulatory authority is to issue a notice of release and remove embargo tags, labels or other identification from the suspected food when it is not found to be adulterated or misbranded. (6-30-95)

986. -- 993. (RESERVED).

994. CHARGE FOR TRAINING MATERIALS.
Pursuant to Section 39-119, Idaho Code, the Board of Health and Welfare is authorized to establish a reasonable charge for training materials provided in accordance to these rules. Such charge shall only cover the cost of production and shall be identified on the training materials in accordance with Section 60-202, Idaho Code. Training materials shall not have copyright protection and nothing shall prohibit any person from making copies of such training materials. (6-30-95)

995. -- 996. (RESERVED).

997. INCORPORATIONS BY REFERENCE.
Any reference in these rules to requirements, procedures, rules, regulations, standards, programs, lists, criteria or specific forms shall constitute the adoption by reference of those parts, subparts, sections etc., referenced herein. (6-30-95)

01. Availability Of Referenced Material. Copies of the materials incorporated by reference throughout these rules are available in the following locations: (6-30-95)

a. Administrative Procedure Section, Idaho Department of Health and Welfare Central Office, 450 West State Street, PO Box 83720, Boise, Idaho 83720-0036; (6-30-95)

b. For all federal publications: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. (6-30-95)

02. Extension By Reference. The following articles are incorporated by reference in Idaho Department of Health and Welfare Rules, IDAPA 16.02.19, "Rules Governing Food Safety and Sanitation Standards for Food Establishments": (6-30-95)

a. Federal Food, Drug and Cosmetic Act, Title 37, Sections 1 through 903, United States Code, as amended, July 1993. (6-30-95)

b. Code of Federal Regulations (CFR): 9 CFR 318.17; 21 CFR 103.35 (d)(2); 21 CFR 113; 21 CFR 170 through 186; 21 CFR 1030; 40 CFR 152.175; 40 CFR 185. (6-30-95)

c. Idaho Food, Drug and Cosmetic Act, Title 37, Chapter 1, Idaho Code. (6-30-95)

d. Idaho Reportable Diseases, Title 2, Chapter 10. (6-30-95)

e. National Sanitation Foundation (NSF) Standards. (6-30-95)

f. National Automated Merchandising (NAMA) Standards. (6-30-95)

g. Rules Governing Public Drinking Water Systems, Title 1, Chapter 8. (6-30-95)

h. Chapter 26, Title 54, Idaho Code. (6-30-95)

i. Rules for Individual and Subsurface Sewage Disposal Systems, Title 1, Chapter 3. (6-30-95)

j. Sections 39-4107(6) and 39-4109(1), Idaho Code. (6-30-95)

k. IDAPA 07.03.04 and IDAPA 07.02.06. (6-30-95)

998. -- 999. (RESERVED).

APPENDIX A

Food Establishment Risk Criteria and Inspection Follow-up Risk Values

Food Est. Risk Type	Risk Type Category Description	Critical violations	Non-critical violations
Medium	Limited menu (1 or 2 main items). Pre-packaged raw ingredients are cooked or prepared to order. Retail food operations excluding deli or seafood operations. Raw assembly. Most products are cooked/prepared and served immediately. Hot and cold holding of potentially hazardous foods is restricted to single meal service. Preparation processes requiring cooking, cooling and reheating are limited to 1 or 2 potentially hazardous foods.	3	6
High	Extensive handling of raw ingredients. Preparation processes includes the cooking, cooling, and cooking, cooling, and reheating of potentially hazardous foods. A variety of processes require hot and cold holding of potentially hazardous food. Advance preparation for next day-service. Category includes deli and seafood departments of retail food stores, establishments doing food processing at retail level, and food processing establishments.	5	8

Violation numbers identified for the three food establishment risk types is the maximum number of violations which do not require on-site follow-up inspections.

APPENDIX B

CRITERIA FOR HACCP PLAN USE BY FOOD ESTABLISHMENTS

Implementation of a HACCP plan by the food establishment will profoundly enhance the protection of public health beyond the traditional emphasis on facility and equipment design and maintenance and adherence to the principles of sanitation and good food manufacturing and preparation practices. A food establishment's commitment to a HACCP plan represents a pledge by the food establishment to be completely responsible for food safety and sanitation in its operation. The regulatory authority supports and encourages this kind of commitment.

Regardless of the size and sophistication of the food establishment, a HACCP plan for processing, preparing and selling food can be utilized. Appendix B provides basic criteria for implementing the HACCP plan by food establishments.

Implementation of a HACCP plan requires four primary functions which must be approved by the regulatory authority:

Development of specific written HACCP procedure for all potentially hazardous food products processed, prepared and/or sold by the food establishment;

Correctly following the HACCP procedure at all times when potentially hazardous food products are being processed, prepared and/or sold;

Utilizing an in-house monitoring process to ensure that the HACCP plan is adequate and effective; and

Maintaining records of the HACCP plan, monitoring reports, and deviations and corrective actions.

In order to properly carry out these functions, food establishment management and all employees involved in a HACCP plan must have adequate knowledge about the foods involved and HACCP principles and operations. Some sources for HACCP information are provided at the end of this appendix. The regulatory authority may also provide HACCP training, information, generic plans and other materials.

A Haccp Plan Must Contain The Following Components:

1. Develop Flow Diagrams and/or Charts. A flow diagram and/or chart that delineates the steps in the process from receipt to sale or service must be prepared for each potentially hazardous food. The diagram or chart must identify the significant hazard(s) associated with each step as well as the preventative measures proposed to control the hazard(s). More than one preventive measure may be required to control a specific hazard and more than one hazard may be controlled by a specified preventive measure.

2. Identify Critical Control Points (CCP). A CCP is a point, step, or procedure at which control can be applied and a food safety hazard can be prevented, eliminated, or reduced to acceptable levels. Points in food preparation that may be CCPs include cooking, chilling, specific sanitation procedures, product formulation control, prevention of cross contamination, and certain aspects of employee and environmental hygiene.

Emphasis must be placed on CCPs (Many points in food preparation may be considered control points, but very few are actually critical control points).

3. Establish Critical Limits for Preventive Measures Associated with Each Identified CCP. A critical limits is defined as a rule that must be met for each preventive measure associated with a CCP. Each CCP will have one or more preventive measures that must be properly controlled to assure prevention, elimination, or reduction of hazards to acceptable levels. Critical limits may be derived from sources such as UNICODE requirements, scientific literature, experimental studies, and consultation with experts. The food establishment is responsible for ensuring that the critical limits chosen will control the identified hazard.

In establishing criteria for critical limits, accurate information about the process must be established and verified for consistency. For example, the relationship between the CCP and its critical limits for cooking a frozen meat patty to the minimum internal temperature of 155 F could be the broiler temperature, patty thickness, patty composition and cooking time.

4. Establish Procedures to Monitor CCPs. Monitoring is a planned sequence of observations or measurements to assess whether a CCP is under control and to produce an accurate record for use in future verification procedures.

Instrumentation used by the food establishment for measuring critical limits must be carefully calibrated for accuracy. Records of calibrations must be maintained as a part of the HACCP plan documentation.

When it is not possible to monitor a critical limit on a continuous basis, it is necessary to establish a monitoring interval that will be reliable enough to indicate that the hazard is under control.

5. Establish the Corrective Action to be Taken When Monitoring Shows That a Critical Limit Has Been Exceeded. Although the HACCP system is intended to prevent deviations from occurring, perfection is rarely, if ever, achievable. Thus, there must be a corrective action plan in place to: 1) Determine the disposition of any food that was produced when a deviation was occurring; 2) Correct the cause of the deviation and assure that the critical control point is under control; and 3) Maintain records of corrective actions.

After implementing a corrective action plan, more frequent monitoring may be temporarily required to assure that the deviation from the established critical limit is not continuing when the operation is resumed.

6. Establish Procedures to Verify that the HACCP System is Working. Verification procedures serves four purposes: 1) Confirms that critical limits at CCPs are satisfactory (A review of the critical limits is necessary to verify that the limits are adequate to control the hazards that are likely to occur.); 2) Assures that the food establishment's HACCP plan is functioning effectively; 3) Assures that the food establishment's HACCP team periodically

revalidates the HACCP plan to assure the accuracy of the plan; and 4) To document to the regulatory authority that the food establishment's HACCP system is functioning satisfactorily.

7. Establish Effective Record Keeping Systems That Document the HACCP System. The record keeping associated with HACCP procedures ultimately makes the system work. The level of sophistication of the record keeping necessary for the food establishment is dependent of the complexity of the operations of the food establishment. The simplest effective record keeping system that lends itself well to integration within the existing operation is best.

Generally, the following are examples of documents that can be included in the total HACCP plan:

Listing of the food establishment's HACCP designers and assigned responsibilities;
Description of the food product(s) and intended uses;
Flow diagram food preparation indicating CCPs;
Hazards associated with each CCP and preventive measures;
Critical limits;
Monitoring system;
Corrective action plans for deviations from critical limits;
Record keeping procedures; and
Procedures for verification of HACCP system.

Food establishment are encouraged to implement HACCP principles in the day-to-day operation of the food establishment. However, should a food establishment desire to utilize a HACCP plan as a substitute for regulatory inspections, the following procedures must be followed by the food establishment and the regulatory authority:

1. The food establishment must notify the regulatory authority of the desire to utilize a HACCP plan at least thirty (30) days prior to the date of implementation;

2. The regulatory authority shall arrange a meeting with the food establishment within ten (10) days for the following purposes:

a. Review the records of the food establishment to determine the compliance history that may have impact on a HACCP plan;

b. Determine the preparedness of the food establishment to develop a HACCP plan as a result of the training and research by the food establishment; and

c. Arrange a time to conduct an on-site review of the HACCP plan prior to its implementation.

3. Upon the satisfaction of the regulatory authority that the food establishment is ready to proceed with a HACCP plan, a contractual agreement will be signed by the responsible representative of the regulatory authority and the license holder of the food establishment. At that point, the food establishment is in charge of food safety and sanitation, with the understanding that should a HACCP inspection reveal noncompliance with the contractual agreement, a regular complete inspection will be immediately conducted.

HACCP HELPS

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